

EXHIBIT P

**DECLARATION OF MATTHEW E. SLOAN
JINHUA'S MIL NO. 6**

**REVISED REDACTED VERSION
PURSUANT TO ECF NO. 337 ORDER**



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Transcript of JT Ho

Date: July 12, 2018

Case: Micron Technology, Inc. -v- United Microelectronics Corp., et al.

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WORLDWIDE COURT REPORTING | INTERPRETATION | TRIAL SERVICES

USD-0351661

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

-----X

MICRON TECHNOLOGY, INC.,
Plaintiff,

Case No.

v.

3:17-CV-06932-JSW

UNITED MICROELECTRONICS
CORPORATION, FUJIAN JINHUA

INTEGRATED CIRCUIT CO.,
LTD., and DOES 1-10,
Defendants.

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Videotaped deposition of JT HO

Chen & Lin

Bank Tower, 12th Floor

205 Tunhwa North Road

Taipei 105

TAIWAN

THURSDAY, JULY 12, 2018

9:08 A.M.

Pages 1 - 158

Reported by Jade K. King.

USD-0351662

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Transcript of JT Ho

Conducted on July 12, 2018

2

1 Deposition of JT HO, held at:

2

3 Chen & Lin

4 Bank Tower, 12th Floor

5 205 Tunhwa North Road

6 Taipei 105

7 TAIWAN

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12 Pursuant to agreement, before Jade K. King.

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Conducted on July 12, 2018

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A P P E A R A N C E S

FOR MICRON TECHNOLOGY, INC.:

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CA 92121

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JONES DAY

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PO-CHIEN CHEN

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Taipei 106

TAIWAN

FOR UNITED MICROELECTRONICS CORPORATION:

DAN JOHNSON

MARIO MOORE

DAN JOHNSON LAW GROUP

400 Oyster Point Blvd, Suite 321

South San Francisco

CA 94080

ALSO PRESENT:

Chester Wong (Videographer)

Chia-Ling Cheng (Main Interpreter)

Joseph Tseng (Check Interpreter)

Lucas Chang (UMC in-house counsel)

Chia-Fang Lin (UMC in-house counsel)

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Transcript of JT Ho

Conducted on July 12, 2018

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1 (MR. JT HO, having been duly sworn7
 2 in Mandarin via the
 3 interpreter, testified as
 4 follows.)

5 EXAMINATION BY MR. MICHAEL:7

6 (Exhibit 34 marked for12
 7 identification - Plaintiff's
 8 30(b)(6) deposition notice to
 9 defendant)

10 (Exhibit 35 marked for26
 11 identification - Notice of
 12 deposition of JT Ho)

13 (Exhibit 36 marked for75
 14 identification - Document
 15 entitled "DRAM Probe Bins
 16 Training for MMJ")

17 (Exhibit 37 marked for84
 18 identification - Micron's
 19 complaint against UMC and
 20 Fujian Jinhua)

21 (Exhibit 38 marked for98
 22 identification - Document
 23 entitled "Document
 24 Placeholder", partial printout
 25 of Excel file)

(Exhibit 39 marked for101
 identification - Screenshot of
 Mr. Michael's computer showing
 Exhibit 38)

(Exhibit 40 marked for129
 identification - US patent
 number 9,679,901)

(Exhibit 41 marked for130
 identification - US patent
 number 9,773,790)

(Exhibit 42 marked for131
 identification - US patent
 number 9,859,283)

(Exhibit 43 marked for132

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1 identification - US patent
2 number 9,929,162)
3 (Exhibit 44 marked for132
4 identification - US patent
5 number 9,960,167)
6 (Exhibit 45 marked for133
7 identification - US patent
8 application number 15/384,940)
9 (Exhibit 46 marked for136
10 identification - 32-page
11 printout of Line text
12 communications)
13 EXAMINATION BY MR. JOHNSON:155
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Transcript of JT Ho

Conducted on July 12, 2018

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P R O C E E D I N G S

THE VIDEOGRAPHER: Here begins media unit
No. 1, videotaped deposition of JT Ho in the
matter of Micron Technology, Inc. versus United
Microelectronics Corp et al.

Today's date is 12 July 2018. The time
on the video monitor is 9:08 a.m.

The videographer today is Chester Wong
on behalf of Planet Depos. This video deposition
is taking place at Bank Tower, 12th floor, 205
Tunhwa North Road, Taipei.

The court reporter today is Jade King on
behalf of Planet Depos.

Would counsel please voice-identify
themselves and state whom they represent.

MR. MICHAEL: Patrick Michael with Jones
Day on behalf of Micron.

MR. KAY: Good morning. Randy Kay from
Jones Day, also from Micron.

MR. JOHNSON: Dan Johnson from the Dan
Johnson Law Group, representing UMC.

MR. MOORE: Mario Moore from the Dan
Johnson Law Group, representing UMC.

THE VIDEOGRAPHER: Would the reporter
please swear in the interpreters and the witness.

09:08:09
09:08:12
09:08:18
09:08:20
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09:08:36
09:08:38
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09:08:44
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09:08:57

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Transcript of JT Ho

Conducted on July 12, 2018

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1	THE COURT REPORTER: Before I take the	09:09:00
2	oaths, I would like the parties to stipulate they	09:09:00
3	understand the court reporter is not a notary	09:09:00
4	public in this venue and nevertheless stipulate	09:09:00
5	that the court reporter can administer the oaths,	09:09:00
6	and further agree that they will not object to the	09:09:00
7	admissibility of the transcript based on the	09:09:00
8	oaths.	09:09:00
9	Is that agreed by the parties?	09:09:00
10	MR. MICHAEL: Agreed on behalf of Micron.	09:09:18
11	MR. JOHNSON: Agreed on behalf of UMC.	09:09:22
12	(MS. CHIA-LING CHENG sworn as the main	09:09:47
13	interpreter)	09:09:47
14	(MR. JOSEPH TSENG sworn as the check	09:09:47
15	interpreter)	09:09:47
16	(MR. JT HO, having been duly sworn in	09:09:47
17	Mandarin via the interpreter, testified as	09:09:47
18	follows.)	09:09:47
19	EXAMINATION BY MR. MICHAEL:	09:09:47
20	Q. Good morning, Mr. Ho.	09:09:47
21	Can you state your full name for the	09:09:57
22	record, please.	09:09:58
23	A. Jeng Ting Ho.	09:10:04
24	THE MAIN INTERPRETER: Interpreter's	09:10:12
25	spelling, J-e-n-g T-i-n-g, last name Ho, H-o.	09:10:12

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Transcript of JT Ho

Conducted on July 12, 2018

8

1	BY MR. MICHAEL:	09:10:23
2	Q. Do you have an English name that you go	09:10:23
3	by?	09:10:26
4	A. JT.	09:10:32
5	Q. So your English name would be JT Ho;	09:10:36
6	correct?	09:10:39
7	A. Yes.	09:10:40
8	Q. What is your address, Mr. Ho?	09:10:41
9	A. Taichung City, He Tseo Street.	09:10:49
10	THE MAIN INTERPRETER: Interpreter's	09:11:04
11	spelling, H-e T-s-e-o Street.	09:11:04
12	A. Number 129.	09:11:04
13	BY MR. MICHAEL:	09:11:12
14	Q. Do you live in an apartment complex or is	09:11:12
15	it a dormitory?	09:11:15
16	A. It's my home.	09:11:23
17	Q. Is it near your place of work?	09:11:30
18	A. No.	09:11:36
19	Q. Who is your employer?	09:11:38
20	A. UMC.	09:11:43
21	Q. And for clarification, when you refer to	09:11:45
22	UMC, you're referring to United Microelectronics	09:11:48
23	Corporation; is that right?	09:11:50
24	A. Yes.	09:12:00
25	Q. And what is your current title at UMC?	09:12:03

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Transcript of JT Ho

Conducted on July 12, 2018

9

1	A. Engineer.	09:12:10
2	Q. Is that your official title, "engineer"	09:12:15
3	only, or is there an additional designation?	09:12:22
4	A. That's it.	09:12:29
5	Q. And do you work in a particular	09:12:31
6	department at UMC?	09:12:32
7	A. Yes.	09:12:36
8	Q. What is the name of that department?	09:12:37
9	A. Yield enhancement.	09:12:51
10	Q. So is it correct that you are currently	09:12:58
11	an engineer in the yield enhancement department of	09:13:00
12	UMC?	09:13:03
13	A. Yes.	09:13:16
14	Q. And how long have you held that position?	09:13:17
15	A. About a year and four months.	09:13:34
16	Q. Do you recall the month and year in which	09:13:41
17	you became an engineer in the yield enhancement	09:13:46
18	department of UMC?	09:13:50
19	A. I was in was March last year.	09:14:07
20	Q. So in March 2017, you became an engineer	09:14:10
21	in the yield enhancement department of UMC;	09:14:15
22	correct?	09:14:17
23	A. Yes.	09:14:25
24	Q. Mr. Ho, have you had your deposition	09:14:27
25	taken before?	09:14:33

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Transcript of JT Ho

Conducted on July 12, 2018

10

1	A. Are you talking about the situation like	09:14:37
2	today's?	09:14:39
3	Q. Yes.	09:14:39
4	A. No.	09:14:40
5	Q. So there's a couple of ground rules that	09:14:42
6	I'd like to go over. First of all, and you're	09:14:44
7	doing an excellent job at this, as we go through	09:14:53
8	the course of today's deposition, I need you to	09:14:57
9	answer my questions orally. So if the answer is	09:14:59
10	"yes" or "no", I need you to say "yes" or "no" and	09:15:04
11	not nod the head one way or the other. Is that	09:15:06
12	acceptable?	09:15:09
13	A. Yes.	09:15:30
14	Q. And do you understand English?	09:15:32
15	A. Yes, but my hearing comprehension or	09:15:42
16	listening comprehension is not good.	09:15:44
17	Q. Okay. Is your reading comprehension of	09:15:46
18	English better than your hearing comprehension?	09:15:49
19	A. I suppose so.	09:15:57
20	Q. So during the course of today's	09:15:59
21	deposition, we're going to be using	09:16:00
22	an interpreter, as we've been doing so far. And	09:16:03
23	what I would ask is that if there's any question	09:16:06
24	that you don't understand, you let us know; is	09:16:09
25	that okay?	09:16:12

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Transcript of JT Ho

Conducted on July 12, 2018

11

1	A. Yes.	09:16:28
2	Q. During the course of today's deposition,	09:16:29
3	I don't want you to guess at any answers. But	09:16:31
4	I am entitled to your best estimate.	09:16:35
5	A. Okay.	09:16:52
6	Q. And sometimes when we take depositions	09:16:53
7	with interpreters, they take longer, but today is	09:16:56
8	not an endurance contest. So if you need a break,	09:17:00
9	you let us know, and we'll be able to take	09:17:03
10	a break.	09:17:06
11	A. Okay.	09:17:22
12	Q. The only thing that I will ask of you is	09:17:23
13	that if there's a question pending, I'm going to	09:17:26
14	want an answer to that question before we take	09:17:29
15	a break. Is that acceptable?	09:17:33
16	A. Yes.	09:17:48
17	Q. Is there any reason why you cannot	09:17:49
18	provide complete and accurate testimony here	09:17:51
19	today?	09:17:54
20	A. No, not now.	09:18:06
21	Q. Okay. Now, it's my understanding that	09:18:08
22	you have been designated to testify on behalf of	09:18:11
23	UMC as a corporate representative on certain	09:18:14
24	topics. Is that your understanding?	09:18:18
25	A. Yes.	09:18:32

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Transcript of JT Ho

Conducted on July 12, 2018

12

1	Q. And when did you first learn that you	09:18:34
2	would be designated as UMC's corporate	09:18:37
3	representative?	09:18:41
4	A. A week ago.	09:18:53
5	Q. Do you recall the date?	09:18:59
6	A. I do not recall. Some day last week.	09:19:13
7	Last Tuesday.	09:19:22
8	THE CHECK INTERPRETER: "Tuesday last	09:19:30
9	week."	09:19:31
10	BY MR. MICHAEL:	09:19:46
11	Q. Tuesday, July 3rd?	09:19:47
12	A. I do not recall the date, but I recall it	09:19:52
13	was Tuesday last week.	09:19:55
14	Q. During the course of the deposition, I'm	09:20:03
15	going to be walking through certain exhibits with	09:20:05
16	you, and I'll hand them to you. Your counsel also	09:20:08
17	has a copy. And they'll be available for you to	09:20:13
18	review and then I'll have questions on those.	09:20:17
19	A. Okay.	09:20:35
20	Q. Mr. Ho, can you take a look at what	09:20:37
21	I have marked as Exhibit 34.	09:20:39
22	(Exhibit 34 marked for identification -	09:20:45
23	Plaintiff's 30(b)(6) deposition notice to	09:20:45
24	defendant)	09:20:45
25		

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Transcript of JT Ho

Conducted on July 12, 2018

13

1	BY MR. MICHAEL:	09:20:49
2	Q. It is entitled "Plaintiff Micron	09:20:50
3	Technology's Notice of Deposition to Defendant	09:20:54
4	United Microelectronics Corporation Pursuant to	09:20:58
5	Federal Rule of Civil Procedure	09:21:01
6	30(b) (6) (Jurisdictional Discovery)".	09:21:09
7	Mr. Ho, have you seen this document	09:21:27
8	before?	09:21:29
9	A. I suppose not.	09:22:14
10	Q. Mr. Ho, can I ask you to take a look at	09:22:24
11	page 4 of Exhibit 34. And starting at about line	09:22:27
12	21, there's a heading that says, "Deposition	09:22:38
13	Topics". Do you see that?	09:22:42
14	A. Yes.	09:22:52
15	Q. And following the heading "Deposition	09:22:53
16	Topics", there are 12 topics that are listed on	09:22:57
17	pages 4 through 6. Do you see that?	09:23:00
18	A. Yes.	09:23:16
19	Q. Can you review those 12 topics and let me	09:23:16
20	know your understanding of which of those topics	09:23:19
21	you've been designated to testify on as UMC's	09:23:21
22	corporate representative.	09:23:26
23	A. Let me add some information here.	09:23:56
24	I didn't see what was before, but I saw from topic	09:23:57
25	1 to topic 5. So, yes, 1 to 5.	09:24:02

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Transcript of JT Ho

Conducted on July 12, 2018

14

1	And the ones after 6, based on my	09:24:32
2	understanding, are related to recruiting, and	09:24:34
3	I did not see them in detail.	09:24:40
4	Q. So to make sure that the record is clear,	09:24:43
5	Mr. Ho, you've never seen the document we've	09:24:46
6	identified as Exhibit 34; correct?	09:24:49
7	MR. JOHNSON: Objection. Misstates the	09:25:04
8	testimony.	09:25:05
9	THE CHECK INTERPRETER: "(Chinese	09:25:12
10	spoken)".	09:25:12
11	BY MR. MICHAEL:	09:25:13
12	Q. You can answer.	09:25:14
13	A. I only saw the articles, but I didn't see	09:25:20
14	the entire document in detail.	09:25:25
15	Q. When you saw the topics 1 through 5, was	09:25:30
16	that in a separate document from Exhibit 34, or	09:25:32
17	was it part of Exhibit 34? If you know.	09:25:36
18	A. I didn't read them as a whole, so I am	09:25:58
19	not sure.	09:26:01
20	Q. Did you receive the deposition topics 1	09:26:03
21	through 5 by way of an email?	09:26:06
22	A. No.	09:26:18
23	Q. What was the format in which you saw	09:26:19
24	topics 1 through 5?	09:26:22
25	A. Something like this. I saw 1 to 5 like	09:26:35

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Transcript of JT Ho

Conducted on July 12, 2018

15

1	this.	09:26:43
2	Q. And to confirm, you are in fact here to	09:26:45
3	testify as UMC's corporate representative on	09:26:49
4	topics 1, 2, 3, 4 and 5; correct?	09:26:52
5	A. No-one told me clearly and specifically	09:27:27
6	that it was so.	09:27:29
7	MR. MICHAEL: Well, counsel, is Mr. Ho	09:27:35
8	here to testify as UMC's corporate representative	09:27:37
9	on topics 1 through 5?	09:27:39
10	MR. JOHNSON: Yes, he is.	09:27:42
11	BY MR. MICHAEL:	09:27:56
12	Q. Mr. Ho, is today the first time that	09:27:57
13	you've learned that you are going to be testifying	09:28:02
14	on topics 1 through 5 as UMC's corporate	09:28:05
15	representative?	09:28:08
16	A. No.	09:28:18
17	Q. When did you first gain that	09:28:20
18	understanding?	09:28:21
19	A. Tuesday last week.	09:28:29
20	Q. So tell me everything that you've done	09:28:30
21	since Tuesday of last week to prepare yourself for	09:28:33
22	today's deposition.	09:28:36
23	A. I went to understand what types of	09:29:18
24	adjustments were being made since last year, the	09:29:23
25	prosecutor visited UMC regarding the product in	09:29:25

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Transcript of JT Ho

Conducted on July 12, 2018

16

1	development. I went to understand the implant	09:29:29
2	adjustments being made after the prosecutor	09:29:46
3	visited UMC last year regarding product	09:29:50
4	development.	09:29:53
5	THE CHECK INTERPRETER: Correction.	09:29:57
6	"I just went to understand the implant	09:29:57
7	conditions after the prosecutor visited UMC last	09:30:00
8	year regarding product development."	09:30:04
9	BY MR. MICHAEL:	09:30:10
10	Q. What are "implant conditions"?	09:30:11
11	A. I basically implant some ion or some	09:31:10
12	noise material into the silicon so as to control	09:31:23
13	as to whether it's more like a conductor or	09:31:27
14	a non-conductor.	09:31:30
15	THE CHECK INTERPRETER: Correction.	09:31:32
16	"It means -- well, the implant means to	09:31:33
17	adjust the characteristics of transistors by	09:31:39
18	changing or adjusting the resistance of the	09:31:44
19	silicon by implanting ion impurities -- ions such	09:31:47
20	as impurities. So that the silicon can be closer	09:31:53
21	to metal or to a conductor or to a non-conductor.	09:31:58
22	And by doing so, we can control the	09:32:03
23	characteristics of transistors."	09:32:05
24	MR. MICHAEL: Do you agree with the check	09:32:11
25	translator?	09:32:12

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Transcript of JT Ho

Conducted on July 12, 2018

17

1	THE MAIN INTERPRETER: Yes, I do.	09:32:13
2	A. Shall I continue answering your question	09:32:22
3	regarding what I did to prepare for today's	09:32:25
4	deposition?	09:32:27
5	BY MR. MICHAEL:	09:32:29
6	Q. One question. Are you saying, for the	09:32:29
7	implants, are you saying "irons" or "ions"?	09:32:31
8	A. Ions.	09:32:41
9	Should I continue?	09:32:50
10	Q. Yes, continue with other things that you	09:32:51
11	did to prepare for your deposition.	09:32:53
12	A. I also went to understand if there were	09:33:13
13	any changes made to the light shield after the	09:33:17
14	visit made by the prosecutor.	09:33:20
15	THE CHECK INTERPRETER: One correction:	09:33:23
16	"mask".	09:33:23
17	A. Light mask changes that are related to	09:33:30
18	Micron.	09:33:32
19	BY MR. MICHAEL:	09:33:43
20	Q. So the record's clear, Mr. Ho, you wanted	09:33:44
21	to understand if there were any light mask changes	09:33:46
22	related to Micron after the visit made by the	09:33:55
23	prosecutor; is that correct?	09:33:58
24	A. Not entirely. There are many reasons why	09:34:31
25	a light mask is changed. So I went to understand	09:34:34

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Transcript of JT Ho

Conducted on July 12, 2018

18

1	why the light mask changes happened related to the	09:34:38
2	case of Micron.	09:34:42
3	THE CHECK INTERPRETER: Let me clarify	09:34:46
4	with the witness. (Chinese spoken).	09:34:47
5	A. (Chinese spoken).	09:34:55
6	MR. JOHNSON: Counsel, I don't think he's	09:35:00
7	understanding the questions.	09:35:01
8	MR. MICHAEL: I want to just finish up	09:35:07
9	his explanation of the preparation that he did.	09:35:09
10	THE CHECK INTERPRETER: The witness	09:35:12
11	said --	09:35:12
12	MR. JOHNSON: But I think you guys are	09:35:14
13	talking about two different things. I don't think	09:35:15
14	he understands your question. But if you want to	09:35:18
15	go on, go on.	09:35:20
16	BY MR. MICHAEL:	09:35:23
17	Q. What else did you do since Tuesday of	09:35:24
18	last week to prepare yourself for today's	09:35:27
19	deposition?	09:35:30
20	A. I went to ask questions to the former	09:35:46
21	colleagues of mine from Micron. I talked to the	09:35:50
22	former colleague of mine from Micron, trying to	09:36:18
23	compare the different understandings and	09:36:21
24	approaches in terms of data management between UMC	09:36:28
25	and Micron.	09:36:30

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Transcript of JT Ho

Conducted on July 12, 2018

19

1	Q. Who was the colleague that you talked to?	09:36:35
2	A. I talked to some senior and some junior	09:37:05
3	colleagues, for example Fu Che Lee --	09:37:07
4	THE MAIN INTERPRETER: Interpreter's	09:37:15
5	spelling, F-u C-h-e, last name Lee, L-e-e.	09:37:15
6	A. -- as well as Chung Ding Bong.	09:37:15
7	THE MAIN INTERPRETER: Interpreter's	09:37:27
8	spelling, D-i-n-g B-o-n-g, last name Chung,	09:37:27
9	C-h-u-n-g.	09:37:27
10	A. There was another two, but all of	09:37:39
11	a sudden, I could not remember their names. One	09:37:43
12	of them has a name or word "Chi" in his name.	09:37:46
13	THE MAIN INTERPRETER: C-h-i.	09:37:54
14	A. There was also --	09:37:59
15	MR. JOHNSON: Mr. Ho, you have to take	09:38:08
16	your hand away from your mouth. It may be hard	09:38:09
17	for the reporter to hear. And she will get mad	09:38:12
18	with me later.	09:38:14
19	A. There was also a female colleague, but	09:38:14
20	I could not recall her name.	09:38:17
21	BY MR. MICHAEL:	09:38:20
22	Q. If, during the course of today's	09:38:20
23	deposition, you remember their names, will you let	09:38:22
24	me know?	09:38:25
25	A. Okay.	09:38:34

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Transcript of JT Ho

Conducted on July 12, 2018

20

1	Q. Mr. Fu Che Lee, hopefully I'm pronouncing	09:38:35
2	that correctly, does he have an English name?	09:38:40
3	A. Neil. Neil Lee.	09:38:52
4	Q. And Mr. Chung, does Mr. Chung have	09:38:53
5	an English name?	09:38:56
6	A. Yes. It could be Mark.	09:39:12
7	Q. Other than understanding differences in	09:39:14
8	implant conditions, differences in the light mask,	09:39:16
9	and talking to former colleagues of yours from	09:39:19
10	Micron, did you do anything else to prepare for	09:39:22
11	today's deposition?	09:39:26
12	A. I also went to understand the	09:40:08
13	investigation results of the company.	09:40:10
14	THE CHECK INTERPRETER: "I also went to	09:40:17
15	gain an understanding of the results of the	09:40:19
16	internal investigation of the company."	09:40:20
17	BY MR. MICHAEL:	09:40:35
18	Q. And tell me what you did to understand	09:40:36
19	the results of the internal investigation -- let	09:40:38
20	me strike that.	09:40:42
21	When you refer to the internal	09:40:44
22	investigations of the company, are you referring	09:40:47
23	to the internal investigations of UMC?	09:40:48
24	A. Yes.	09:41:00
25	Q. What did you do to understand the results	09:41:01

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Transcript of JT Ho

Conducted on July 12, 2018

21

1	of the internal investigations of UMC?	09:41:03
2	A. I talked to the colleague at the legal	09:41:16
3	department.	09:41:17
4	Q. Who was that?	09:41:18
5	A. Jia Fong Lin.	09:41:25
6	THE MAIN INTERPRETER: Interpreter's	09:41:32
7	spelling, J-i-a F-o-n-g, last name Lin, L-i-n.	09:41:32
8	BY MR. MICHAEL:	09:41:35
9	Q. Is that Mr. Lin or Ms. Lin?	09:41:35
10	A. Ms. Lin.	09:41:43
11	Q. And does Ms. Lin have an English name?	09:41:44
12	A. I do not know.	09:41:56
13	Q. Other than talking with Ms. Lin, did you	09:41:57
14	do anything else to understand the results of the	09:42:00
15	internal investigation at UMC?	09:42:02
16	A. No.	09:42:18
17	Q. What is the internal investigation that	09:42:18
18	you're referencing?	09:42:20
19	A. My understanding, it's an investigation	09:42:49
20	about server download and recruitment data or	09:42:50
21	information from Micron.	09:42:55
22	Q. Did you do anything else to prepare for	09:43:10
23	today's deposition?	09:43:12
24	A. No.	09:43:21
25	MR. MICHAEL: We can take that break if	09:43:22

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Transcript of JT Ho

Conducted on July 12, 2018

22

1	you'd like.	09:43:24
2	MR. JOHNSON: Yeah.	09:43:25
3	THE VIDEOGRAPHER: We are going off the	09:43:26
4	record. The time is 9:43 a.m.	09:43:26
5	(Break taken)	09:43:28
6	THE VIDEOGRAPHER: We are back on the	09:55:07
7	record. The time is 9:55 a.m.	09:55:08
8	BY MR. MICHAEL:	09:55:14
9	Q. Mr. Ho, you had testified earlier that	09:55:15
10	one of the action items that you did in	09:55:17
11	preparation for today's deposition was to	09:55:21
12	understand changes made to the light mask after	09:55:24
13	the prosecutor visited UMC last year. Did you	09:55:32
14	mean changes to the light mask or changes to the	09:55:38
15	photo mask?	09:55:48
16	A. Photo mask, or radical.	09:56:11
17	Q. And when you're referring to the	09:56:18
18	prosecutor's visit to UMC last year, you're	09:56:20
19	referring to the Taiwan prosecutor visit in	09:56:23
20	February of 2017; correct?	09:56:29
21	A. Yes.	09:56:45
22	Q. Did the implant conditions change after	09:57:22
23	the prosecutor visited UMC's facilities in	09:57:26
24	February of 2017?	09:57:31
25	A. The new person in charge made changes.	09:57:48

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Transcript of JT Ho

Conducted on July 12, 2018

23

1	Q. Who was the new person in charge?	09:57:54
2	A. There were quite a few people, because it	09:58:18
3	was a department. I think mainly Rong Le Tien --	09:58:21
4	THE MAIN INTERPRETER: Interpreter's	09:58:29
5	spelling, L-e T-i-e-n, R-o-n.	09:58:29
6	A. -- as well as Liu Li Wei.	09:58:29
7	THE MAIN INTERPRETER: Interpreter's	09:58:37
8	spelling, L-i W-e-i, last name Liu, L-i-u.	09:58:37
9	BY MR. MICHAEL:	09:58:46
10	Q. What is your understanding of the changes	09:58:46
11	that were made to the implant conditions?	09:58:48
12	A. The 65 nanometer condition of UMC was	09:59:08
13	used directly.	09:59:13
14	Q. What was used before the 65 nanometer	09:59:25
15	condition of UMC?	09:59:28
16	A. It was the job responsibility of Wang	09:59:43
17	Yong Ming.	09:59:45
18	THE MAIN INTERPRETER: Interpreter's	09:59:51
19	spelling, Y-o-n-g M-i-n-g, last name Wang,	09:59:51
20	W-a-n-g.	09:59:53
21	A. So I am not sure which condition that	09:59:53
22	was.	09:59:56
23	BY MR. MICHAEL:	10:00:12
24	Q. Was an implant condition of Micron's used	10:00:12
25	in UMC's product development for DRAM prior to	10:00:15

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Transcript of JT Ho

Conducted on July 12, 2018

24

1	February 2017?	10:00:22
2	A. I am not sure. I do not know.	10:00:40
3	Q. Why did UMC change its implant condition	10:00:42
4	to the 65 nanometer condition of UMC?	10:00:45
5	A. Based on my understanding, it was the	10:01:41
6	responsibility of Yong Ming Wang. However, the	10:01:43
7	new person in charge has always believed that the	10:01:51
8	logic has to be UMC's condition because the logic	10:01:54
9	of the transistor is closer to 65 nanometer. That	10:02:00
10	is why supposedly it should use UMC's condition.	10:02:05
11	THE CHECK INTERPRETER: Correction.	10:02:20
12	"Based on my understanding, it was the	10:02:23
13	responsibility of Yong Ming Wang. However, the	10:02:25
14	new person in charge has always -- had -- has	10:02:28
15	always believed that the logic -- has always	10:02:31
16	believed that UMC's conditions should be used when	10:02:34
17	it comes to the implant condition or the so-called	10:02:37
18	transistor characteristics of the logical area of	10:02:42
19	DRAM. Basically I think the 64 -- 65 nanometer of	10:02:52
20	UMC is very close, is very similar. I think they	10:02:56
21	are of the same generation. And that's why we	10:02:59
22	should not -- we should use UMC's condition."	10:03:02
23	MR. MICHAEL: Do you agree with that?	10:03:07
24	THE MAIN INTERPRETER: Yes, I do.	10:03:09
25		

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Transcript of JT Ho

Conducted on July 12, 2018

25

1	BY MR. MICHAEL:	10:03:10
2	Q. When you say "65 nanometer condition of	10:03:11
3	UMC is very close and very similar", very close	10:03:17
4	and very similar to what?	10:03:19
5	A. First of all, it is the design house that	10:03:51
6	raises its requests for the transistor	10:03:54
7	characteristics. And the transistor	10:04:04
8	characteristic is directly related to CD, which is	10:04:17
9	how many nanometers.	10:04:21
10	THE CHECK INTERPRETER: Correction.	10:04:28
11	"First of all" -- it's the second part --	10:04:31
12	"the transistor's characteristics are directly	10:04:31
13	related to the CD of the transistor. The CD	10:04:31
14	refers to its nanometer characteristic."	10:04:34
15	BY MR. MICHAEL:	10:04:41
16	Q. Mr. Ho, let me ask you a more general	10:04:42
17	question about your preparation for today's	10:04:45
18	deposition.	10:04:47
19	A. Okay.	10:04:59
20	Q. The deposition topics that you've been	10:05:00
21	designated to testify on relate primarily to	10:05:02
22	Micron documents in UMC's possession and UMC's	10:05:06
23	awareness of the source of those documents. How	10:05:11
24	does changes in implant conditions relate to	10:05:14
25	topics 1 through 5?	10:05:20

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Transcript of JT Ho

Conducted on July 12, 2018

26

1 A. So let me first ask a question. Because 10:06:06
2 I am wearing two hats. So am I here on behalf of 10:06:08
3 UMC, or am I here on behalf of myself, as my own 10:06:12
4 individual? 10:06:17
5 Q. That's a fair question, Mr. Ho. You've 10:06:18
6 been designated as the corporate representative 10:06:22
7 for UMC on topics 1 through 5. But you are also 10:06:25
8 here today in your personal capacity. 10:06:33
9 Mr. Ho, I've marked as Exhibit 35 10:06:58
10 a document which is called "Notice of deposition 10:07:01
11 of JT Ho." 10:07:03
12 (Exhibit 35 marked for identification - Notice of 10:07:04
13 deposition of JT Ho) 10:07:04
14 BY MR. MICHAEL: 10:07:04
15 Q. Have you seen this document before? 10:07:04
16 A. No. 10:07:29
17 Q. So let's go back and clarify. During 10:07:37
18 your investigation into changes in the implant 10:07:39
19 conditions, did you investigate whether UMC had 10:07:43
20 Micron technical documents in its possession 10:07:50
21 relating to implant conditions? 10:07:54
22 THE CHECK INTERPRETER: "(Chinese 10:08:54
23 spoken)". 10:08:54
24 A. I learned about today's deposition in 10:08:54
25 January. I learned that I was going to attend the 10:08:57

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Transcript of JT Ho

Conducted on July 12, 2018

27

1	deposition today in January. However, before the	10:08:59
2	company hired an investigation agency or company	10:09:15
3	to conduct internal investigation, I did not know	10:09:20
4	that UMC held Micron documents. And according to	10:09:23
5	the investigation conducted by the investigation	10:09:42
6	company, Yong Ming Wang did send emails to his own	10:09:44
7	email in-box.	10:09:48
8	BY MR. MICHAEL:	10:09:57
9	Q. Does Yong Ming Wang have an English name?	10:09:57
10	A. Kenny.	10:10:04
11	Q. Kenny Wang?	10:10:07
12	A. Yes.	10:10:09
13	Q. And what is the name of the investigation	10:10:14
14	agency that you're referring to?	10:10:15
15	A. I heard of it, but I did not commit to	10:10:27
16	memory.	10:10:30
17	Q. Did you speak with anyone at the	10:10:31
18	investigation agency regarding their investigation	10:10:34
19	into whether UMC possessed Micron documents?	10:10:37
20	A. No.	10:10:54
21	Q. Have you seen a written report from the	10:10:55
22	investigation agency regarding whether UMC	10:10:57
23	possessed Micron documents?	10:10:59
24	A. No.	10:11:12
25	Q. Have you spoken with anyone at UMC	10:11:13

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Transcript of JT Ho

Conducted on July 12, 2018

28

1	regarding the agency's findings with respect to	10:11:15
2	their investigation on whether UMC possesses	10:11:20
3	Micron documents?	10:11:25
4	THE CHECK INTERPRETER: Counsel,	10:11:36
5	regarding the translation of "investigation	10:11:37
6	agency", I think the witness -- what the witness	10:11:39
7	said can be directly translated as "forensic	10:11:42
8	company". But the term "agency" may imply that	10:11:45
9	it's a government agency. So I just need to point	10:11:49
10	that out. It's not "agency". The witness	10:11:52
11	actually used the word "company".	10:11:55
12	MR. MICHAEL: Okay. So let's clarify the	10:11:59
13	record.	10:12:01
14	BY MR. MICHAEL:	10:12:01
15	Q. When you testified that UMC hired	10:12:02
16	a company to investigate whether UMC possessed	10:12:06
17	Micron documents, is it your understanding that	10:12:12
18	that company was a forensics company?	10:12:16
19	A. Yes.	10:12:35
20	Q. And have you spoken with anyone at UMC	10:12:37
21	regarding that forensics company's findings on	10:12:40
22	whether UMC possessed Micron documents?	10:12:45
23	A. Yes.	10:13:07
24	Q. Who did you speak with at UMC?	10:13:08
25	A. Attorneys. Jia Fong Lin. People from	10:13:15

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Transcript of JT Ho

Conducted on July 12, 2018

29

1	the IT department, but I do not commit to memory	10:13:27
2	in terms of their names.	10:13:32
3	Q. Ms. Lin is the UMC employee that you	10:13:40
4	testified about earlier?	10:13:42
5	A. Yes.	10:13:59
6	Q. Okay. And who are the attorneys that you	10:14:03
7	spoke with that you referred to earlier?	10:14:05
8	A. Mario.	10:14:08
9	Q. Mr. Mario Moore?	10:14:13
10	A. Yes.	10:14:18
11	Q. Any other attorneys?	10:14:19
12	A. Dan Johnson.	10:14:30
13	Q. Anyone else?	10:14:31
14	A. Lucas.	10:14:37
15	Q. Anyone else?	10:14:47
16	A. No.	10:14:54
17	Q. What were the findings of the forensics	10:15:08
18	company regarding the question of whether UMC	10:15:15
19	possesses Micron documents?	10:15:17
20	A. The finding was that Wang Yong Ming sent	10:15:38
21	some files to his personal company email. And	10:15:46
22	also a couple of files were found in the trash bin	10:16:17
23	of the PC that I use before I joined -- a few	10:16:20
24	weeks before I joined UMC.	10:16:27
25	THE CHECK INTERPRETER: Correction.	10:16:32

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Transcript of JT Ho

Conducted on July 12, 2018

30

1	"A few weeks after I joined UMC".	10:16:32
2	BY MR. MICHAEL:	10:16:46
3	Q. Any other findings besides Mr. Wang	10:16:46
4	sending files to his personal email and a couple	10:16:49
5	files in the trash bin of a PC you used a few	10:16:54
6	weeks after joining UMC?	10:16:58
7	A. No.	10:17:19
8	Q. What were the files in the trash bin of	10:17:22
9	the PC you used at UMC?	10:17:24
10	A. Process flow of 25 nanometer. Something	10:17:55
11	like 110S live flow or live process. I really	10:18:31
12	don't know how to describe it. It's a logistics	10:18:37
13	preparation before technology transfer.	10:18:42
14	THE CHECK INTERPRETER: Just one	10:18:47
15	correction.	10:18:48
16	Not "live flow". I think the witness	10:18:49
17	said "process flow".	10:18:52
18	BY MR. MICHAEL:	10:18:54
19	Q. Was that a Micron document?	10:18:55
20	A. (In English) Yes.	10:19:00
21	Q. A Micron document that existed on your	10:19:01
22	computer; correct?	10:19:03
23	A. Yes.	10:19:12
24	Q. And it's for the 110S series of Micron's	10:19:12
25	DRAM product?	10:19:16

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Transcript of JT Ho

Conducted on July 12, 2018

31

1	A. Yes.	10:19:23
2	Q. And the document that involves the	10:19:26
3	logistics of the process flow, do you know if that	10:19:29
4	document is referred to as a traveler?	10:19:33
5	A. Yes.	10:19:47
6	Q. Has that document been produced in this	10:19:53
7	litigation?	10:19:57
8	THE CHECK INTERPRETER: "(Chinese	10:20:05
9	spoken)".	10:20:05
10	A. Yes, based on my understanding.	10:20:08
11	BY MR. MICHAEL:	10:20:10
12	Q. You provided it to counsel?	10:20:11
13	A. No.	10:20:15
14	Q. It's your understanding that the forensic	10:20:18
15	company obtained that document?	10:20:19
16	A. Yes.	10:20:27
17	Q. How many pages was that document?	10:20:42
18	A. It was an Excel file.	10:20:48
19	Q. Do you know the approximate size of the	10:20:52
20	document?	10:20:56
21	A. I do not know.	10:21:02
22	Q. The PC that you're referring to was your	10:21:05
23	UMC-issued computer; correct?	10:21:09
24	A. Yes.	10:21:17
25	Q. Was is a laptop?	10:21:17

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Transcript of JT Ho

Conducted on July 12, 2018

32

1	A. Yes.	10:21:20
2	Q. What type of laptop? Can you describe it	10:21:22
3	for me?	10:21:24
4	A. It's just a generic laptop, so I do not	10:21:35
5	know how to describe it.	10:21:37
6	Q. Do you know the brand?	10:21:39
7	A. I do not recall. I forgot.	10:21:49
8	Q. Do you know if that laptop exists at UMC	10:21:53
9	today?	10:21:57
10	A. It is just a hard drive. It's not	10:22:08
11	a complete laptop.	10:22:10
12	Q. To the best of your knowledge, was	10:22:14
13	a forensic copy of your laptop's hard drive made	10:22:16
14	at UMC?	10:22:21
15	A. I do not know.	10:22:35
16	Q. How did the Micron process traveler end	10:22:44
17	up on your computer?	10:22:48
18	A. Before the forensics company told my	10:23:12
19	company about this, about the file in the trash	10:23:14
20	bin, I had completely forgotten about it.	10:23:19
21	Q. My question is, how did you come into	10:23:38
22	possession of the Micron process traveler that	10:23:42
23	ended up in the trash bin of your computer?	10:23:46
24	A. So you're asking -- you're asking me how	10:24:07
25	I got the process traveler?	10:24:09

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Transcript of JT Ho

Conducted on July 12, 2018

33

1	Q. Yes.	10:24:13
2	A. It was a copy made when I was working for	10:24:17
3	Micron.	10:24:21
4	Q. You downloaded the process traveler from	10:24:23
5	Micron's computer systems?	10:24:27
6	A. I am not sure.	10:24:42
7	THE CHECK INTERPRETER: I have	10:24:46
8	a correction to make to the previous translation.	10:24:46
9	"It was a back-up made when I was working	10:24:49
10	for Micron."	10:24:51
11	A. (In English) Yeah, back-up.	10:24:59
12	BY MR. MICHAEL:	10:25:17
13	Q. Any other documents besides the process	10:25:17
14	traveler for Micron's 110 series that were found	10:25:23
15	on your computer through the forensic	10:25:26
16	investigation?	10:25:29
17	A. As I mentioned earlier, there was also 25	10:25:51
18	nanometer process flow of Micron. And also	10:25:57
19	reverse-engineering information for Samsung,	10:26:22
20	Hynix, as well as Elpida. Back then, Elpida was	10:26:28
21	not a company of Micron.	10:26:31
22	MR. MICHAEL: Counsel, do you know if the	10:26:53
23	documents the witness is testifying to have been	10:26:54
24	produced already?	10:26:57
25	MR. MOORE: Yeah, they have. They should	10:26:59

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Transcript of JT Ho

Conducted on July 12, 2018

34

1	have been in Tuesday's production.	10:27:02
2	(Court reporter clarification)	10:27:05
3	MR. MICHAEL: Can you do us a favor at	10:27:10
4	a break and identify for us, if possible, the	10:27:12
5	Bates numbers that relate to the documents that	10:27:15
6	were found on Mr. Ho's computer that he's	10:27:17
7	testifying to?	10:27:19
8	MR. MOORE: I don't have that info right	10:27:21
9	now, but I can try to find it.	10:27:22
10	MR. MICHAEL: On a break, that'd be	10:27:25
11	great.	10:27:28
12	MR. JOHNSON: Break about 10:30 and we	10:27:37
13	can see if we can get it.	10:27:41
14	MR. MICHAEL: Pardon?	10:27:44
15	MR. JOHNSON: I said let's break about	10:27:45
16	10:30 and then we can take a look.	10:27:46
17	BY MR. MICHAEL:	10:27:55
18	Q. Mr. Ho, do you know where Micron develops	10:27:56
19	and fabricates its 110 series products?	10:28:02
20	A. I heard about it from someone.	10:28:17
21	Q. What's your understanding of where they	10:28:21
22	develop and fabricate these Micron 110 series DRAM	10:28:24
23	products?	10:28:30
24	A. Initially it was at the R&D team at	10:28:45
25	Elpida. After Micron acquired Elpida, it is	10:28:49

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Transcript of JT Ho

Conducted on July 12, 2018

35

1	requested to transfer that from the R&D team in	10:29:07
2	Japan to the R&D team in Boise. After some time,	10:29:11
3	I'm not sure for how long, it was then transferred	10:29:32
4	from Boise team back to the team in Japan. And	10:29:36
5	then finally, it was the R&D team in Japan that	10:29:59
6	developed it to meet the standard, and then pass	10:30:03
7	it to the fab for mass production.	10:30:07
8	Q. Which fab?	10:30:12
9	A. Before I left Micron, the standard was	10:30:38
10	not up to the mass production standard, so it was	10:30:41
11	only being planned. So the plan was to be done at	10:30:45
12	Japan and Taichung MMT.	10:30:50
13	THE CHECK INTERPRETER: Just one	10:30:55
14	correction.	10:30:56
15	"Before I left Micron, the development	10:30:56
16	was not yet up to the standard for mass	10:30:59
17	production."	10:31:02
18	A. So we were just planning and it was not	10:31:10
19	final.	10:31:13
20	BY MR. MICHAEL:	10:31:35
21	Q. What were the documents that Mr. Wang	10:31:36
22	sent to his personal company email and	10:31:39
23	specifically what were the Micron documents that	10:31:45
24	Mr. Wang sent to his personal email?	10:31:47
25	A. I only know that there was an implant	10:32:08

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Transcript of JT Ho

Conducted on July 12, 2018

36

1	condition, design rule, design rule for 25	10:32:11
2	nanometers. And the rest, there's about 20 to 30,	10:32:22
3	and I don't know the details.	10:32:32
4	Q. Do you know if all of the Micron	10:32:43
5	documents that the forensic company determined	10:32:45
6	were sent to Mr. Wang's personal email account	10:32:49
7	were recovered?	10:32:54
8	THE CHECK INTERPRETER: "(Chinese	10:33:12
9	spoken)".	10:33:12
10	[REDACTED]	10:33:33
11	[REDACTED]	10:33:35
12	[REDACTED]	10:33:38
13	[REDACTED]	10:33:45
14	BY MR. MICHAEL:	10:33:48
15	Q. As part of your investigation in	10:33:49
16	preparing to testify today on topics 1 through 5,	10:33:51
17	what did you do to determine what information of	10:33:54
18	Mr. Wang was maintained at UMC and exists today?	10:33:58
19	THE CHECK INTERPRETER: "(Chinese	10:34:44
20	spoken)".	10:34:44
21	A. I didn't do anything.	10:34:47
22	BY MR. MICHAEL:	10:34:50
23	Q. So you're aware that certain of	10:34:50
24	Mr. Wang's information exists at UMC on a tape;	10:34:52
25	correct?	10:34:59

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Transcript of JT Ho

Conducted on July 12, 2018

37

1	A. Yes.	10:35:07
2	Q. And you did not conduct an investigation	10:35:07
3	as to what information that is?	10:35:11
4	A. I didn't investigate one by one; I only	10:35:33
5	know that there was an implant as well as a design	10:35:37
6	rule.	10:35:42
7	Q. Do you know if Mr. Wang's emails from his	10:35:42
8	time at UMC are preserved on this tape that UMC	10:35:46
9	has?	10:35:51
10	A. Yes.	10:36:04
11	Q. And if I wanted to talk to somebody at	10:36:06
12	UMC about the type of information that UMC	10:36:08
13	maintains with respect to Mr. Wang, who would	10:36:13
14	I talk to?	10:36:22
15	THE CHECK INTERPRETER: "(Chinese	10:36:33
16	spoken)".	10:36:33
17	A. You can talk to the IT department or the	10:36:39
18	in-house counsel, but exactly whom you should talk	10:36:43
19	to, I don't know.	10:36:46
20	BY MR. MICHAEL:	10:36:52
21	Q. Do you know if UMC today maintains a copy	10:36:53
22	of any of Mr. Wang's laptops or hard drives from	10:36:57
23	his laptops?	10:37:03
24	A. The laptop is taken away by the	10:37:29
25	prosecutor, so I don't think the company has	10:37:31

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Transcript of JT Ho

Conducted on July 12, 2018

38

1	a copy of it.	10:37:33
2	Q. Other than the copy of your hard drive	10:37:37
3	and the back-up tapes with respect to Mr. Wang's	10:37:41
4	emails, did you investigate whether any other	10:37:46
5	electronic media exists at UMC that contains	10:37:54
6	Micron documentation?	10:37:58
7	A. Two things. First of all, it is not the	10:38:32
8	copy of my hard drive. It's not a copy of my hard	10:38:34
9	drive. It is my hard drive. I have used it for	10:38:44
10	two or three weeks, and then it was replaced or	10:38:47
11	changed to a different one. There's no Micron	10:38:50
12	information stored or maintained on any other	10:39:05
13	company systems.	10:39:09
14	Q. My question was slightly different,	10:39:16
15	Mr. Ho, so let me try it again.	10:39:17
16	Other than your hard drive and the	10:39:20
17	back-up tapes that contain Mr. Wang's emails, did	10:39:22
18	you investigate whether any other electronic media	10:39:28
19	exists at UMC that contains Micron documentation?	10:39:33
20	A. No. Were you asking about me	10:39:59
21	investigating personally?	10:40:09
22	Q. Yes.	10:40:10
23	THE MAIN INTERPRETER: And then the	10:40:13
24	answer is "No".	10:40:14
25	MR. MICHAEL: Counsel, I don't believe	10:40:17

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Transcript of JT Ho

Conducted on July 12, 2018

39

1	we've received copies of Mr. Ho's hard drive or	10:40:18
2	back-up copies of Mr. Wang's emails, and I believe	10:40:26
3	those were requested. I could be wrong. But we	10:40:30
4	would request those, and we can deal with that	10:40:33
5	after today's deposition.	10:40:35
6	MR. MOORE: Yeah, they should have been	10:40:37
7	in Tuesday's production.	10:40:39
8	MR. JOHNSON: Why don't we take a short	10:40:41
9	break and we can see if we can find them and	10:40:43
10	identify them, and you will have them.	10:40:45
11	MR. MICHAEL: Yeah, I'm talking about the	10:40:48
12	actual hard drive in a condition for which we can	10:40:50
13	do the appropriate forensic investigation	10:40:52
14	ourselves.	10:40:55
15	MR. JOHNSON: We'll have an argument	10:40:57
16	about that. We'll have an argument about that.	10:40:58
17	That was not required.	10:40:58
18	MR. MOORE: Yeah, and the judge impressed	10:41:00
19	that.	10:41:02
20	MR. JOHNSON: There was a specific	10:41:03
21	request and that was denied. But I will -- I want	10:41:04
22	to make sure if that -- if the production has the	10:41:08
23	information we think it does, we get it to you	10:41:11
24	right now.	10:41:14
25	MR. MICHAEL: Let's make sure that all	10:41:21

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Transcript of JT Ho

Conducted on July 12, 2018

40

1	the information that he's testifying about was	10:41:22
2	produced.	10:41:22
3	MR. JOHNSON: Let's take a short break.	10:41:22
4	MR. MICHAEL: Sounds good.	10:41:22
5	THE VIDEOGRAPHER: We are going off the	10:41:24
6	record. The time is 10:41 a.m.	10:41:26
7	(Break taken)	10:41:29
8	THE VIDEOGRAPHER: We are back on the	11:02:48
9	record. The time is 11:02 a.m.	11:02:49
10	BY MR. MICHAEL:	11:02:58
11	Q. Mr. Ho, I'd like to ask you a couple	11:02:59
12	questions about the computer that you had at UMC	11:03:01
13	where Micron documents were found in the trash	11:03:06
14	bin.	11:03:09
15	A. Okay.	11:03:25
16	Q. What was the time period during which you	11:03:27
17	used that computer?	11:03:31
18	MR. JOHNSON: Objection. Foundation.	11:03:45
19	Where?	11:03:46
20	A. Could you repeat the question again,	11:03:51
21	please?	11:03:52
22	BY MR. MICHAEL:	11:03:53
23	Q. Sure. What was the time period during	11:03:57
24	which you used the computer that contained Micron	11:03:59
25	files in its trash bin?	11:04:01

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Transcript of JT Ho

Conducted on July 12, 2018

41

1	THE CHECK INTERPRETER: "(Chinese	11:04:22
2	spoken)".	11:04:22
3	A. You mean from which date to which date?	11:04:25
4	BY MR. MICHAEL:	11:04:29
5	Q. Correct.	11:04:29
6	A. I was on board with UMC in November 2015.	11:04:39
7	I think I used the computer three weeks after the	11:04:46
8	onboard, which is in November of 2015.	11:04:51
9	THE CHECK INTERPRETER: Just one	11:04:57
10	correction.	11:04:57
11	"I think I used the computer three weeks	11:04:58
12	-- during the three weeks after that."	11:04:59
13	A. But not a computer; it was a hard drive.	11:05:04
14	So the same computer, but different hard drives.	11:05:19
15	I used the hard drive in the first three weeks	11:05:22
16	after I got on board.	11:05:26
17	BY MR. MICHAEL:	11:05:32
18	Q. Let's do it this way, Mr. Ho. What is	11:05:32
19	the date that you started at UMC?	11:05:34
20	A. November 5th, 2015.	11:05:44
21	Q. And when you started at UMC on November	11:05:49
22	5th, 2015, did UMC assign you a laptop computer?	11:05:52
23	A. Yes, but I'm not sure if I got the laptop	11:06:12
24	on that day or after a few days.	11:06:15
25	Q. So approximately in the time period of	11:06:21

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Transcript of JT Ho

Conducted on July 12, 2018

42

1	November 5, 2015, you were assigned a UMC laptop;	11:06:23
2	correct?	11:06:29
3	A. Yes.	11:06:40
4	Q. And that laptop has a hard drive;	11:06:40
5	correct?	11:06:43
6	A. Yes.	11:06:45
7	Q. How long did you use that computer at UMC	11:06:47
8	until a new hard drive was placed on the computer?	11:06:52
9	A. About a few weeks. Roughly three weeks,	11:07:13
10	I remember.	11:07:20
11	Q. Are you comfortable if we refer to the	11:07:21
12	hard drive that you used on your computer for the	11:07:24
13	first three weeks as the "November 2015 hard	11:07:27
14	drive"?	11:07:31
15	THE CHECK INTERPRETER: "(Chinese	11:07:47
16	spoken)".	11:07:47
17	A. (Chinese spoken).	11:07:51
18	MR. JOHNSON: Counsel, I'm confused.	11:07:52
19	MR. MICHAEL: That's okay.	11:07:54
20	MR. JOHNSON: I'd like to get one	11:07:55
21	clarification. Is this a portable hard drive or	11:07:56
22	a hard drive that's a part of a computer?	11:07:59
23	A. It's an accessory of that computer.	11:08:14
24	BY MR. MICHAEL:	11:08:20
25	Q. So are you comfortable if we refer to the	11:08:23

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Transcript of JT Ho

Conducted on July 12, 2018

43

1	first hard drive that was used with your	11:08:26
2	UMC-issued laptop, the "November 2015 hard drive"?	11:08:28
3	A. Yes.	11:08:49
4	Q. Were the Micron documents that were found	11:08:50
5	on your hard drive from the November 2015 hard	11:08:52
6	drive, or a different hard drive?	11:09:02
7	A. Could you repeat the question again? I'm	11:09:26
8	a bit confused about exactly what you were asking.	11:09:28
9	Q. Sure. Were the Micron documents that	11:09:31
10	were located in the trash bin of your hard drive	11:09:38
11	found on the hard drive that you were using in	11:09:43
12	November 2015?	11:09:48
13	A. Yes.	11:10:02
14	Q. Now, at some point after November 2015,	11:10:08
15	you started using a different hard drive for your	11:10:10
16	computer at UMC; is that correct?	11:10:13
17	A. Yes.	11:10:28
18	Q. Are you using that same hard drive today?	11:10:29
19	A. No.	11:10:38
20	Q. For how long at UMC did you use the	11:10:40
21	second hard drive?	11:10:45
22	A. Until February last year.	11:10:53
23	Q. So from approximately 2015, December, to	11:11:02
24	February 2017, you were using a second hard drive	11:11:07
25	on your UMC-issued computer; correct?	11:11:11

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Transcript of JT Ho

Conducted on July 12, 2018

44

1	A. Yes.	11:11:29
2	Q. Does that second hard drive exist at UMC	11:11:32
3	today?	11:11:36
4	A. No.	11:11:40
5	Q. Where is it?	11:11:42
6	A. The prosecutor got it.	11:11:48
7	Q. Did you investigate whether UMC has	11:11:54
8	a copy of the second hard drive that you used from	11:11:56
9	December 2015 until February 2017?	11:12:01
10	A. No.	11:12:18
11	THE CHECK INTERPRETER: Correction.	11:12:29
12	I think the witness said, "Whether UMC	11:12:30
13	kept it? No."	11:12:33
14	So I think you probably need to clarify	11:12:34
15	with the witness whether he meant he investigated,	11:12:37
16	or whether UMC had a copy.	11:12:40
17	MR. MICHAEL: I'll ask the question	11:12:44
18	again.	11:12:45
19	BY MR. MICHAEL:	11:12:45
20	Q. Does UMC have a copy of the second hard	11:12:50
21	drive that you used from December 2015 until	11:12:53
22	February 2017?	11:12:57
23	A. I don't think so.	11:13:12
24	Q. Did you investigate whether UMC has	11:13:23
25	a copy of the second hard drive that you used from	11:13:26

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Transcript of JT Ho

Conducted on July 12, 2018

45

1	December 2015 until February 2017?	11:13:30
2	A. No.	11:13:43
3	Q. Is it correct, Mr. Ho, that the only hard	11:13:56
4	drive that UMC investigated to determine whether	11:14:02
5	UMC has Micron documentation in its possession is	11:14:13
6	your hard drive that you used for the three-week	11:14:21
7	period in November 2015?	11:14:23
8	THE CHECK INTERPRETER: "(Chinese	11:14:42
9	spoken)".	11:14:42
10	A. I used three hard disk drives at UMC.	11:14:57
11	The second one was taken away by the prosecutor's	11:15:00
12	office in that raid. The third one is there.	11:15:06
13	BY MR. MICHAEL:	11:15:14
14	Q. Did UMC investigate --	11:15:14
15	(Simultaneous speakers - unclear)	11:15:14
16	THE CHECK INTERPRETER: The third --	11:15:16
17	(Simultaneous speakers - unclear)	11:15:19
18	THE MAIN INTERPRETER: The third one --	11:15:20
19	the third one is there.	11:15:20
20	A. UMC did an internal investigation on the	11:15:23
21	first one and the third one.	11:15:27
22	BY MR. MICHAEL:	11:15:38
23	Q. What was the time period in which you	11:15:39
24	used the third hard drive at UMC?	11:15:41
25	A. Starting from February last year all the	11:15:53

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Transcript of JT Ho

Conducted on July 12, 2018

46

1	way till now.	11:15:55
2	Q. Did UMC find any Micron documents on the	11:15:56
3	third hard drive that you used from February 2017	11:16:01
4	until the present?	11:16:04
5	A. No.	11:16:21
6	Q. How many Micron documents existed on the	11:16:32
7	second hard drive that you used from December 2015	11:16:34
8	to February 2017?	11:16:37
9	A. Based on my understanding, none.	11:16:55
10	Q. What's your understanding based on?	11:17:24
11	A. For the first hard disk drive, I used the	11:17:41
12	privilege to apply for the use authority of a USB.	11:17:44
13	However, this turned out to be unfit for the	11:17:58
14	company policy, so this USB access was canceled.	11:18:03
15	So I did not have any other way, other than email.	11:18:14
16	And I did not send any emails, so there was no	11:18:24
17	way. I did not send any email regarding Micron	11:18:27
18	documents, so there was no way. What I emailed	11:18:34
19	back then was a self-introduction and some notes	11:19:00
20	that I took, as well as some terminology or	11:19:03
21	glossary of the semiconductor industry which I put	11:19:07
22	together by myself.	11:19:09
23	THE CHECK INTERPRETER: And the witness	11:19:11
24	also said, "The notes were in English."	11:19:12
25	A. Kind of like notes of English phrases.	11:19:20

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Transcript of JT Ho

Conducted on July 12, 2018

47

1	BY MR. MICHAEL:	11:19:27
2	Q. Did you collect those notes and other	11:19:28
3	documents in connection with today's deposition?	11:19:31
4	THE CHECK INTERPRETER: "(Chinese	11:19:48
5	spoken)".	11:19:48
6	A. I don't quite understand the question.	11:20:11
7	The notes are in my computer, so why would I want	11:20:14
8	to collect the notes? They are in my computer.	11:20:17
9	Let me correct myself. Not in my	11:20:33
10	computer; it's in my email. For example, I sent	11:20:35
11	the email from my Gmail account, so it's in my	11:20:40
12	Gmail. So I don't understand why would I want to	11:20:44
13	collect the notes.	11:20:46
14	BY MR. MICHAEL:	11:20:48
15	Q. Do you have any Micron documents on your	11:20:49
16	Gmail account?	11:20:51
17	A. I don't think so.	11:21:01
18	Q. Did you search your Gmail account for	11:21:02
19	Micron documents?	11:21:05
20	A. Yes, I did.	11:21:14
21	Q. And did you find any Micron documents	11:21:16
22	when you searched your Gmail account?	11:21:17
23	A. I found a self-introduction that I typed	11:21:36
24	myself when I was with Micron. Would that	11:21:39
25	constitute a Micron document? At Micron, we can	11:21:43

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Transcript of JT Ho

Conducted on July 12, 2018

48

1	use anything without limitations. So, for	11:22:40
2	example, in a meeting, there would be meeting	11:22:44
3	minutes on the whiteboard. What I would do is to	11:22:47
4	take a picture of the whiteboard and then email	11:22:50
5	it. I can use -- this is allowed at Micron, but	11:22:53
6	not allowed at UMC. At Micron, we are able to use	11:22:57
7	the intranet to connect to the internet, so that	11:23:01
8	I can have access to my email --	11:23:06
9	THE MAIN INTERPRETER: Correction.	11:23:10
10	A. -- so that I can have access to Gmail	11:23:11
11	account or Google Drive to have access to that	11:23:14
12	picture, and then write up the meeting minutes,	11:23:19
13	and then send the meeting minutes to the team	11:23:22
14	members.	11:23:24
15	And I am not sure if this constitutes	11:23:28
16	a Micron document.	11:23:32
17	BY MR. MICHAEL:	11:23:34
18	Q. Do you have pictures on your Gmail	11:23:35
19	account from meetings that you had while you were	11:23:37
20	employed at Micron?	11:23:42
21	A. Yes.	11:23:56
22	Q. Mr. Ho, did you collect and provide any	11:23:58
23	documents from your Gmail account to UMC's counsel	11:24:01
24	in this case?	11:24:06
25	A. I remember I put my self-introduction on	11:24:37

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Transcript of JT Ho

Conducted on July 12, 2018

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1	the second hard drive. And I sent the notes of	11:24:40
2	English phrases as well as acronyms and glossary	11:25:01
3	of semiconductor, that I put together myself, to	11:25:05
4	the third hard drive. The company investigated	11:25:11
5	the third hard drive in the internal	11:25:28
6	investigation. I did not provide the company with	11:25:31
7	the third hard -- I did not provide it proactively	11:25:33
8	to the --	11:25:39
9	A. (Chinese spoken).	11:25:40
10	A. Let me correct. I did provide the	11:25:44
11	computer to the company.	11:25:48
12	THE CHECK INTERPRETER: Hard drive. The	11:25:54
13	hard drive, not the computer. The third hard	11:25:55
14	drive.	11:25:57
15	A. The company took the computer that	11:25:58
16	contained the third hard drive. So, yes,	11:26:00
17	I provided that to the company.	11:26:02
18	BY MR. MICHAEL:	11:26:06
19	Q. I want to focus on your Gmail account.	11:26:07
20	Has your Gmail account been searched for the	11:26:17
21	purposes of identifying Micron documents that	11:26:20
22	exist in your Gmail account?	11:26:23
23	A. Yes. I did the search.	11:26:39
24	Q. And from that search, how many documents	11:26:42
25	did you identify to be Micron documents on your	11:26:45

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Transcript of JT Ho

Conducted on July 12, 2018

50

1	Gmail account?	11:26:50
2	A. None.	11:27:04
3	Q. And on your Gmail account, there remain	11:27:10
4	pictures from meetings that you had when you were	11:27:16
5	employed at Micron; correct?	11:27:19
6	A. Yes.	11:27:30
7	Q. What is your Gmail, Mr. Ho?	11:27:31
8	A. Jengting.tw@gmail.com.	11:27:53
9	Q. Do you know if the forensics company that	11:28:13
10	was doing an internal investigation at Micron --	11:28:16
11	strike that.	11:28:20
12	Did the forensics company that is	11:28:21
13	conducting an investigation at Micron search your	11:28:24
14	Gmail account?	11:28:33
15	MR. JOHNSON: Doing an investigation at	11:28:35
16	Micron?	11:28:37
17	MR. MICHAEL: Thank you. I'm going to	11:28:39
18	strike that.	11:28:40
19	Did the forensics company that is	11:28:40
20	conducting an internal investigation at UMC	11:28:42
21	inspect your Gmail account?	11:28:44
22	A. No.	11:28:59
23	Q. Other than your email,	11:29:02
24	jengting.tw@gmail.com, do you have any other	11:29:05
25	personal email accounts?	11:29:13

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Transcript of JT Ho

Conducted on July 12, 2018

51

1	A. I have one at Yahoo.	11:29:23
2	Q. What is your Yahoo address?	11:29:27
3	A. The same. Jengting.tw@yahoo.com.tw.	11:29:37
4	Q. Did you search your Yahoo email account	11:29:48
5	for Micron documents?	11:29:57
6	A. Not in detail. It was just a rough look.	11:30:04
7	Q. Do Micron documents exist on your Yahoo	11:30:08
8	email account?	11:30:13
9	A. No.	11:30:14
10	Q. Was the forensics company that is	11:30:20
11	conducting an investigation at UMC provided access	11:30:21
12	to your Yahoo email account?	11:30:25
13	A. No.	11:30:43
14	Q. Have you ever had a Gmail account with	11:30:44
15	a different address than jengting.tw?	11:30:49
16	A. No.	11:31:08
17	Q. The first hard drive that you had while	11:31:20
18	at UMC had USB drive access enabled; correct?	11:31:22
19	A. Yes.	11:31:41
20	Q. And the ability to use USB drives on your	11:31:42
21	second hard drive at UMC was disabled; correct?	11:31:45
22	A. For the second hard disk drive, there was	11:32:05
23	never -- there was never the ability to use the	11:32:10
24	USB drive.	11:32:11
25	Q. You had no ability to use a USB drive	11:32:12

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Transcript of JT Ho

Conducted on July 12, 2018

52

1	with your second hard drive at UMC; correct?	11:32:16
2	A. That is correct.	11:32:26
3	Q. Why did UMC swap out your hard drive	11:32:27
4	after being at UMC for only three weeks?	11:32:29
5	A. Per my request.	11:32:40
6	Q. Why did you make that request?	11:32:43
7	A. It is UMC's policy to not have external	11:33:02
8	document being read internally through a USB	11:33:06
9	drive.	11:33:11
10	THE CHECK INTERPRETER: Correction.	11:33:12
11	"It's UMC's policy not to use USB, and	11:33:12
12	also not to access outside -- external documents	11:33:16
13	in the company."	11:33:20
14	A. The concern is that the external	11:33:35
15	information would corrupt the internal	11:33:36
16	information, and that is why the policy does not	11:33:38
17	allow that. Another concern is about virus. It	11:33:41
18	is a concern that the external USB would bring	11:33:53
19	a virus into the company to infect the internal	11:33:59
20	system. This access privilege was canceled when	11:34:02
21	somebody said that it did not fit the company	11:34:18
22	policy.	11:34:20
23	THE CHECK INTERPRETER: "The access	11:34:25
24	privilege was voluntarily canceled when somebody	11:34:27
25	said that it did not comply with the company's	11:34:30

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Transcript of JT Ho

Conducted on July 12, 2018

53

1	policy."	11:34:32
2	A. So after the voluntary cancellation, we	11:34:55
3	asked the IT department to clean up the hard disk	11:34:59
4	drive, meaning that there would be no external	11:35:04
5	information on the hard disk drive, or the	11:35:07
6	possibility of a virus.	11:35:09
7	Another reason for the cancellation is	11:35:55
8	that the company was concerned that company	11:35:57
9	information such as the logic of 28 nanometer HK	11:36:00
10	multigate and 14 nanometer finfet would be leaked	11:36:07
11	to outside of the company through USB. So the	11:36:12
12	company does not want to have information coming	11:36:15
13	in from outside and does not want information	11:36:17
14	coming from inside, out. So that was another	11:36:21
15	concern.	11:36:26
16	(Court reporter clarification)	11:36:26
17	BY MR. MICHAEL:	11:36:43
18	Q. So it's your testimony that you made the	11:36:44
19	request to swap out your first hard drive;	11:36:47
20	correct?	11:36:50
21	A. My request was to clean up the computer	11:37:11
22	so that there are so bad things on the computer.	11:37:14
23	It was later that I found out that the IT	11:37:17
24	department actually swapped out the entire hard	11:37:20
25	disk drive. It was until after the forensics	11:37:22

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Transcript of JT Ho

Conducted on July 12, 2018

54

1	company's investigation that I knew that the hard	11:37:39
2	disk drive was swapped. I had always thought that	11:37:42
3	it was the same hard disk drive.	11:37:47
4	THE CHECK INTERPRETER: "As the second	11:37:50
5	one."	11:37:52
6	THE MAIN INTERPRETER: "As the second	11:37:53
7	one."	11:37:53
8	THE CHECK INTERPRETER: "And also the	11:37:53
9	first hard drive was formatted."	11:37:54
10	BY MR. MICHAEL:	11:38:08
11	Q. What was the date that the forensics	11:38:08
12	company did this investigation?	11:38:14
13	A. I do not know.	11:38:18
14	Q. What is the approximate time range? Were	11:38:21
15	there multiple investigations? Are we talking	11:38:24
16	about two here or is there one?	11:38:27
17	A. It's recent. Within one month.	11:38:31
18	Q. So you only found out in the last month	11:38:38
19	that your first UMC-issued hard drive was swapped	11:38:41
20	out after you had been employed at UMC for only	11:38:46
21	three weeks?	11:38:49
22	A. Yes.	11:39:09
23	Q. Mr. Ho, were you using USB drives to	11:39:16
24	access and review Micron documents on the first	11:39:19
25	UMC-issued hard drive?	11:39:23

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Transcript of JT Ho

Conducted on July 12, 2018

55

1	A. I read all the information that	11:40:15
2	I established when I was working for TSMC,	11:40:19
3	(Chinese spoken), (Chinese spoken), and Micron.	11:40:24
4	I read all of them.	11:40:26
5	MR. JOHNSON: You read?	11:40:29
6	A. The English name of "(Chinese spoken)" is	11:40:31
7	Powerchip.	11:40:34
8	THE CHECK INTERPRETER: And "(Chinese	11:40:37
9	spoken)" is Rexchip.	11:40:37
10	THE MAIN INTERPRETER: And the English	11:40:41
11	name of "(Chinese spoken)" is Rexchip.	11:40:43
12	BY MR. MICHAEL:	11:40:48
13	Q. Mr. Ho, in the first three weeks that you	11:40:48
14	were employed at UMC, were you using USB drives to	11:40:51
15	access and review Micron documents on the first	11:40:54
16	UMC-issued hard drive that you used?	11:40:56
17	A. (Chinese spoken).	11:41:22
18	THE CHECK INTERPRETER: Counsel, "USB	11:41:25
19	drive" was translated as "USB hard drive". Is	11:41:26
20	that what you meant?	11:41:29
21	MR. MICHAEL: No.	11:41:31
22	A. I only read the USB drive through the	11:41:32
23	computer.	11:41:34
24	BY MR. MICHAEL:	11:41:34
25	Q. When you say "USB drive", you're talking	11:41:41

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Transcript of JT Ho

Conducted on July 12, 2018

56

1	about a flash drive; is that right, Mr. Ho?	11:41:44
2	THE CHECK INTERPRETER: "(Chinese	11:41:52
3	spoken)".	11:41:52
4	A. I had two. Both are portable. One is	11:42:08
5	this one, flash; the other is a USB hard drive.	11:42:12
6	BY MR. MICHAEL:	11:42:24
7	Q. Can we refer to those as external drives?	11:42:25
8	THE CHECK INTERPRETER: "(Chinese	11:42:31
9	spoken)".	11:42:31
10	A. Yes.	11:42:32
11	BY MR. MICHAEL:	11:42:34
12	Q. So, so far, Mr. Ho, we've talked about	11:42:34
13	three hard drives on your UMC computers; correct?	11:42:37
14	THE CHECK INTERPRETER: (Chinese spoken).	11:42:53
15	A. So are you asking if there are three hard	11:43:00
16	disk drives on the UMC computer?	11:43:05
17	MR. JOHNSON: Why don't you do	11:43:09
18	"external"/"internal"?	11:43:10
19	BY MR. MICHAEL:	11:43:12
20	Q. Let's focus on external drives.	11:43:13
21	A. Okay.	11:43:23
22	Q. Have you searched any external drives in	11:43:24
23	your possession for Micron documents?	11:43:30
24	A. I don't quite know exactly what you're	11:43:49
25	asking, because I had Micron documents. I did not	11:43:52

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Transcript of JT Ho

Conducted on July 12, 2018

57

1	have to search.	11:43:55
2	Q. My question to you, Mr. Ho, is, did you	11:44:03
3	investigate whether any external drives that you	11:44:05
4	have contain Micron documents?	11:44:09
5	A. Yes.	11:44:30
6	Q. And do you have any external drives that	11:44:30
7	contain Micron documents?	11:44:32
8	MR. JOHNSON: Today?	11:44:38
9	BY MR. MICHAEL:	11:44:40
10	Q. Today.	11:44:40
11	A. Today, no.	11:44:46
12	Q. Have you ever possessed any external	11:44:49
13	drives that contain Micron documents since joining	11:44:52
14	UMC in 2015?	11:44:54
15	A. Yes.	11:45:10
16	Q. Tell me about those external drives and	11:45:11
17	what was contained on them.	11:45:13
18	A. There's some personal information, for	11:45:38
19	example the videos that I collected, or text	11:45:39
20	filing information. And I have the habit to	11:45:43
21	collect information and store information since	11:45:56
22	I worked for TSMC. So I had information also at	11:46:00
23	(Chinese spoken) --	11:46:09
24	THE CHECK INTERPRETER: Powerchip --	11:46:12
25	A. -- Powerchip, as well as Rexchip.	11:46:12

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Transcript of JT Ho

Conducted on July 12, 2018

58

1	THE CHECK INTERPRETER: -- and Micron.	11:46:12
2	A. -- and Micron.	11:46:15
3	THE CHECK INTERPRETER: And one	11:46:15
4	correction.	11:46:16
5	"I have the habit of storing	11:46:17
6	information", not "collecting information".	11:46:19
7	BY MR. MICHAEL:	11:46:23
8	Q. Let's break it down this way, Mr. Ho.	11:46:24
9	During the time you've been employed at UMC, how	11:46:28
10	many external drives did you possess that contain	11:46:31
11	Micron documentation?	11:46:37
12	A. Two.	11:46:53
13	Q. And is one of those -- or is one of those	11:46:56
14	two a flash drive?	11:47:00
15	A. Yes.	11:47:05
16	Q. Is the second one also a flash drive?	11:47:07
17	A. No. It's a hard disk drive.	11:47:16
18	Q. And the first flash drive, do you know	11:47:27
19	who the manufacturer of that flash drive was? Was	11:47:29
20	it a Kingston flash drive?	11:47:33
21	A. Yes, to my impression.	11:47:40
22	Q. And the second drive, which you said is	11:47:44
23	an external hard disk drive, who is the	11:47:47
24	manufacturer of that drive, if you recall?	11:47:50
25	A. (Chinese spoken).	11:48:02

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Transcript of JT Ho

Conducted on July 12, 2018

59

1	THE CHECK INTERPRETER: Transcend.	11:48:04
2	BY MR. MICHAEL:	11:48:07
3	Q. What was the memory capacity of the flash	11:48:07
4	drive, if you recall?	11:48:10
5	A. 500G, question mark. I guess. I would	11:48:28
6	guess 500G.	11:48:33
7	Q. And what about the --	11:48:35
8	THE CHECK INTERPRETER: The witness also	11:48:39
9	said, "I forgot."	11:48:40
10	(Court reporter clarification)	11:48:42
11	BY MR. MICHAEL:	11:48:43
12	Q. Where is that flash drive today?	11:48:44
13	A. At the prosecutor's.	11:48:54
14	Q. What about the external hard disk drive?	11:49:00
15	What was the size of that hard disk drive?	11:49:02
16	A. I think 2T.	11:49:10
17	Q. 2 terabytes?	11:49:16
18	A. (In English) Yes.	11:49:20
19	A. 2000G.	11:49:20
20	Q. And where is that hard disk drive today?	11:49:24
21	A. I handed it to the prosecutor last year.	11:49:33
22	THE CHECK INTERPRETER: "Voluntarily".	11:49:37
23	BY MR. MICHAEL:	11:49:47
24	Q. Did you investigate whether any other UMC	11:49:51
25	employees have external drives that contain Micron	11:49:53

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Transcript of JT Ho

Conducted on July 12, 2018

60

1	documentation?	11:50:00
2	A. You mean personally investigate? No.	11:50:13
3	Q. As part of your preparation to testify as	11:50:18
4	a corporate designee here today on behalf of UMC,	11:50:24
5	did you investigate whether UMC possesses any	11:50:28
6	external drives that contain Micron documentation?	11:50:32
7	A. Not me personally, but the company has	11:51:02
8	asked the IT department.	11:51:04
9	THE MAIN INTERPRETER: Excuse me.	11:51:10
10	A. But the IT department and the counsel for	11:51:11
11	the company have asked the forensics company to	11:51:12
12	conduct investigation, and the investigation	11:51:15
13	result is "No".	11:51:18
14	BY MR. MICHAEL:	11:51:30
15	Q. Where did you go to college, Mr. Ho?	11:51:31
16	A. Tamkang University.	11:51:34
17	Q. And did you go on to get a graduate	11:51:39
18	degree?	11:51:41
19	A. Yes.	11:51:43
20	Q. What was your college degree in?	11:51:45
21	THE CHECK INTERPRETER: (Chinese spoken).	11:51:56
22	A. Aviation.	11:51:57
23	THE CHECK INTERPRETER: Aerospace and --	11:51:59
24	THE MAIN INTERPRETER: Aerospace and	11:51:59
25	aviation.	11:51:59

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Transcript of JT Ho

Conducted on July 12, 2018

61

1	A. (In English) Aerodynamics and aerospace.	11:51:59
2	A. Aerodynamics and aerospace.	11:51:59
3	BY MR. MICHAEL:	11:52:13
4	Q. Was that an engineering degree?	11:52:13
5	A. Yes.	11:52:15
6	Q. And your graduate studies, where did you	11:52:16
7	do that at?	11:52:18
8	A. National Taiwan University.	11:52:22
9	Q. Did you obtain a master's degree?	11:52:28
10	A. Yes.	11:52:32
11	Q. What was your master's degree in?	11:52:34
12	A. Plasma simulation.	11:52:45
13	Q. Was it plasma simulation for plasma etch	11:52:52
14	in semiconductors?	11:52:55
15	A. No.	11:53:08
16	Q. What was the -- what was plasma	11:53:09
17	simulation relating to? Did it relate to the	11:53:11
18	semiconductor industry?	11:53:15
19	A. The light-emitting simulation for	11:53:29
20	a plasma display. The display is kind of like the	11:53:31
21	display of an LCD, but it's a plasma display.	11:53:34
22	Q. When did you get your aerospace	11:53:42
23	engineering degree, what year?	11:53:47
24	A. 1999.	11:53:58
25	Q. And when did -- did you obtain a master's	11:54:05

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Transcript of JT Ho

Conducted on July 12, 2018

62

1	degree?	11:54:08
2	A. Yes.	11:54:09
3	Q. What year?	11:54:10
4	A. 2001.	11:54:14
5	Q. Did you go on after your master's degree	11:54:16
6	to do any post-grad studies?	11:54:18
7	A. No.	11:54:30
8	Q. What's your date of birth, Mr. Ho?	11:54:33
9	A. November 5th, 1975.	11:54:42
10	Q. And your citizenship?	11:54:47
11	A. Taiwan.	11:54:50
12	Q. Any other citizenships?	11:54:53
13	A. No.	11:54:56
14	Q. You mentioned a few of your employers	11:55:01
15	earlier today. Can you just chronologically for	11:55:04
16	me tell me who your employers have been since you	11:55:08
17	obtained your master's degree in 2001? And if you	11:55:12
18	could just give me the name of the company and the	11:55:30
19	general timeframe, that would be useful.	11:55:32
20	A. From -- I was graduated in 2001. From	11:55:44
21	2001 to 2003, I served in the military. After the	11:55:47
22	military service, my first job from 2003 to 2004	11:56:07
23	was for TSMC.	11:56:13
24	From November 2004 to February 2005,	11:56:32
25	I worked with Yulon Motors for a short period of	11:56:36

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Transcript of JT Ho

Conducted on July 12, 2018

63

1	three months.	11:56:43
2	I worked for Powerchip from April 2005	11:57:01
3	to 2007.	11:57:04
4	Rexchip was established in July 2007.	11:57:29
5	Rexchip used to be a factory for Powerchip, and	11:57:37
6	then it became a subsidiary for Powerchip. So	11:57:40
7	starting in July 2007, I became an employee of	11:57:44
8	Rexchip.	11:57:48
9	Micron acquired Rexchip in 2013, so	11:58:01
10	I became an employee to Micron in 2013.	11:58:04
11	I left Micron in October 2015, and then	11:58:28
12	I joined UMC in November 2015. So I am a UMC	11:58:30
13	employee till now.	11:58:36
14	MR. JOHNSON: It's about noon.	11:58:42
15	MR. MICHAEL: Yeah, we'll be done --	11:58:45
16	we'll take a break in a few minutes here.	11:58:47
17	MR. JOHNSON: All right.	11:58:51
18	BY MR. MICHAEL:	11:58:52
19	Q. When did you first start working in DRAM,	11:58:52
20	in which of these positions?	11:58:56
21	A. When I was with Powerchip.	11:59:05
22	Q. And you worked on DRAM while you were	11:59:11
23	with Rexchip?	11:59:14
24	A. Yes.	11:59:19
25	Q. And you worked on -- with DRAM while you	11:59:20

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Transcript of JT Ho

Conducted on July 12, 2018

64

1	were at Micron?	11:59:23
2	A. Yes.	11:59:26
3	Q. Ten solid years of being an engineer in	11:59:30
4	DRAM; correct?	11:59:33
5	A. I think more than 10.	11:59:46
6	Q. When you left Micron in October 2015 to	11:59:50
7	join UMC, was UMC in the DRAM business?	11:59:54
8	A. Not in the standard DRAM business, but	12:00:26
9	UMC had an embedded DRAM that they called "special	12:00:28
10	technology".	12:00:32
11	Q. And briefly, before we take a break for	12:00:45
12	lunch, Mr. Ho, can you give me just a chronology	12:00:47
13	of the positions that you've held at UMC since you	12:00:53
14	joined in November 2015?	12:00:56
15	A. When I first joined UMC, my title was	12:01:20
16	technical manager. But in fact, it was	12:01:27
17	an engineer job. In March 2016, the DRAM project	12:01:29
18	officially kicked off.	12:01:46
19	THE CHECK INTERPRETER: "The DRAM project	12:01:49
20	organization was officially established."	12:01:52
21	THE MAIN INTERPRETER: Yes.	12:01:55
22	A. My position back then was department --	12:02:06
23	THE MAIN INTERPRETER: Excuse me.	12:02:15
24	(Chinese spoken).	12:02:16
25	A. My position was a department manager for	12:02:20

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Transcript of JT Ho

Conducted on July 12, 2018

65

1	process integration.	12:02:22
2	I think it was either February or March	12:02:34
3	last year, I then transferred to be YE engineer.	12:02:38
4	BY MR. MICHAEL:	12:02:42
5	Q. When you first started at UMC in November	12:02:48
6	2015 as a technical manager, were you working on	12:02:51
7	DRAM?	12:02:54
8	A. In the beginning, I didn't know that it	12:03:19
9	was about DRAM. I thought I was going to do	12:03:21
10	a logic foundry OEM for UMC. So in the first two	12:03:26
11	weeks, I attended the meetings, for example daily	12:03:49
12	meetings or weekly meetings, at the fab in this	12:03:55
13	business.	12:03:58
14	Q. In what business?	12:03:59
15	A. (In English) Logic function.	12:04:04
16	A. It was one week after I was on board with	12:04:14
17	UMC that Stephen told me that UMC might have	12:04:17
18	a DRAM project. But I think it was at the end of	12:04:22
19	2015 or the beginning of 2016 that there were	12:04:39
20	official discussions about DRAM.	12:04:43
21	Q. When did you start working on research	12:04:58
22	and development for DRAM at UMC?	12:05:03
23	A. About the same timeframe, starting from	12:05:22
24	the end of 2015 to the beginning of 2016.	12:05:24
25	Q. And as a yield engineer -- did I get that	12:05:27

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Transcript of JT Ho

Conducted on July 12, 2018

66

1	correct, that you are currently a yield engineer?	12:05:33
2	A. (In English) Yield enhancement.	12:05:35
3	Q. Yield enhancing engineer. Are you	12:05:37
4	working in DRAM?	12:05:40
5	A. I am currently a YE engineer, and I'm	12:05:49
6	working in DRAM.	12:05:52
7	Q. So you've been working continuously in	12:05:54
8	DRAM at UMC since the end of 2015, early 2016, to	12:05:56
9	today?	12:06:02
10	A. Yes.	12:06:13
11	Q. Who is the boss in charge of the DRAM	12:06:14
12	project at UMC?	12:06:16
13	A. You mean the highest one?	12:06:23
14	Q. Yep.	12:06:29
15	A. Based on my understanding, it's Stephen.	12:06:31
16	Q. Stephen Chen?	12:06:35
17	A. Yes.	12:06:36
18	MR. MICHAEL: Want to take a break for	12:06:39
19	lunch?	12:06:40
20	MR. JOHNSON: Sure.	12:06:41
21	THE VIDEOGRAPHER: We are going off the	12:06:42
22	record. The time is 12:06 p.m.	12:06:43
23	(Break taken)	12:06:46
24	THE VIDEOGRAPHER: We are back on the	13:15:08
25	record. The time is 1:15 p.m.	13:15:09

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Transcript of JT Ho

Conducted on July 12, 2018

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1	BY MR. MICHAEL:	13:15:13
2	Q. Welcome back, Mr. Ho.	13:15:14
3	So we've identified various sources of	13:15:21
4	electronic information, and I want to make sure	13:15:24
5	I understand that -- the sources that you	13:15:26
6	searched. There was the first hard drive that you	13:15:28
7	had at UMC for about three weeks in November 2015;	13:15:32
8	correct?	13:15:36
9	A. Yes.	13:16:03
10	Q. And the other source that was searched	13:16:03
11	was the third hard drive that you had at UMC, that	13:16:06
12	you used from February 2017 to the present?	13:16:11
13	A. Yes.	13:16:28
14	Q. Your Gmail and Yahoo accounts; right?	13:16:29
15	A. Yes.	13:16:36
16	Q. And there were the back-up tapes that UMC	13:16:37
17	has regarding Kenny Wang's email activity;	13:16:41
18	correct?	13:16:48
19	A. Yes.	13:16:58
20	Q. Other than those items, what, if any,	13:17:00
21	electronic storage systems were searched for	13:17:05
22	Micron documents that are in UMC's possession?	13:17:11
23	A. All my emails since I joined UMC till	13:17:33
24	now. And all the documents of the company. It is	13:17:36
25	a system.	13:17:46

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Transcript of JT Ho

Conducted on July 12, 2018

68

1	Q. Does the company have a document	13:17:48
2	management system?	13:17:50
3	A. Yes.	13:17:56
4	Q. And how was that system searched for	13:17:58
5	Micron documents?	13:18:00
6	A. External forensics company. The internal	13:18:08
7	IT department also conducted the internal	13:18:16
8	investigation.	13:18:19
9	Q. But do you know -- did you ask them how	13:18:20
10	they conducted their search?	13:18:23
11	A. I was not involved in the details. It	13:18:34
12	was processed or done by the attorneys.	13:18:36
13	Q. Well, what search terms were used to	13:18:39
14	search the document management system of UMC?	13:18:41
15	A. I do not know.	13:18:53
16	Q. Did the forensic company search the	13:18:55
17	entire system or only documents of certain	13:18:58
18	custodians?	13:19:04
19	A. I do not know.	13:19:17
20	Q. Does UMC have a shared file system such	13:19:19
21	as SharePoint sites?	13:19:21
22	A. There was a similar system. There was	13:19:35
23	a similar system, but not SharePoint.	13:19:37
24	Q. What is the similar system that UMC uses?	13:19:43
25	A. It is a system built on IBM Notes.	13:19:51

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Transcript of JT Ho

Conducted on July 12, 2018

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1	SharePoint is a different system on Microsoft.	13:19:58
2	Q. Does UMC have an internal name for its	13:20:02
3	share-file system that's based on Notes?	13:20:06
4	A. We usually refer to it as Notes Document.	13:20:21
5	Q. Was the Notes Document system at UMC	13:20:25
6	searched for Micron documents?	13:20:27
7	A. Yes.	13:20:38
8	Q. How do you know that?	13:20:39
9	A. The IT department and the attorneys told	13:20:48
10	me.	13:20:50
11	Q. Other than the fact that the IT	13:20:52
12	department --	13:20:53
13	THE CHECK INTERPRETER: Correction.	13:20:55
14	"The IT department, the attorneys, and	13:20:55
15	the legal department told me."	13:20:57
16	BY MR. MICHAEL:	13:20:59
17	Q. Did they tell you how it was searched?	13:21:00
18	A. Using key words.	13:21:09
19	Q. What were -- did they tell you what key	13:21:11
20	words were used for the search?	13:21:12
21	A. I am not sure, because I did not commit	13:21:27
22	to memory. There might be -- they might not tell	13:21:29
23	me. I actually do not remember.	13:21:33
24	Q. Do you not remember, or do you not know?	13:21:34
25	A. I suppose they told me a few, but not all	13:21:46

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Transcript of JT Ho

Conducted on July 12, 2018

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1	of them. I did not commit to memory.	13:21:49
2	Q. Do you recall the name of the person in	13:21:54
3	the IT department who was involved with searching	13:21:56
4	the Notes Document system?	13:22:00
5	A. I do not recall.	13:22:16
6	Q. And have you been able to recall the name	13:22:18
7	of the forensics company that you said was	13:22:20
8	involved with doing searching?	13:22:24
9	A. I do not remember the name of the	13:22:37
10	forensics company.	13:22:39
11	Q. And during the course of this forensics	13:22:44
12	inspection, a certain number of Micron documents	13:22:48
13	were collected and produced in this litigation.	13:22:52
14	You're aware of that; correct?	13:22:55
15	A. Yes.	13:23:11
16	Q. And what did you do to determine the	13:23:12
17	source of those documents?	13:23:14
18	A. I don't know how to answer the question.	13:23:35
19	I am -- I don't know what to do to determine.	13:23:37
20	Q. Well, did you do anything to determine if	13:23:42
21	any of those documents were obtained from Micron's	13:23:44
22	locations in the United States?	13:23:48
23	A. I think there's no need to make the	13:24:33
24	determination. Two parts. For the part about	13:24:36
25	Kenny, I don't know, because that's Kenny's	13:24:38

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Transcript of JT Ho

Conducted on July 12, 2018

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1	information that he emailed in. And for his	13:24:41
2	information, it's mostly about 25 nanometer, which	13:24:44
3	is the information of Japan.	13:24:49
4	For my part, I actually did not remember	13:25:13
5	until the forensics company recovered the files or	13:25:16
6	found the files in the recycle bin. I looked at	13:25:20
7	that and the file looked familiar to me, so it was	13:25:24
8	the files that I used to look at. The files were	13:25:30
9	about 25 nanometers and 110 series.	13:25:34
10	In terms of the source of the	13:26:03
11	information, I was not sure. There's usually	13:26:05
12	a few ways for me to get information. The first	13:26:08
13	is from a USB. I go to Japan for work quite	13:26:11
14	often, and when I was there asking for	13:26:16
15	information, the engineers there would put the	13:26:18
16	information on a USB, and that was how I got the	13:26:21
17	information. So since 2009, I have been to Japan	13:26:24
18	for work more than 20 times, and it's mostly using	13:26:37
19	this way for me to get information.	13:26:43
20	Another way for me to get information is	13:26:57
21	through the public hard disk drive of the company.	13:26:59
22	So we get data from there and then store the data.	13:27:06
23	The public hard disk drive was available before	13:27:24
24	Micron acquired -- before Micron, so at Rexchip,	13:27:31
25	there's a very large server room. So I think	13:27:39

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Transcript of JT Ho

Conducted on July 12, 2018

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1	that's where the information was stored.	13:27:41
2	The third way for me to get information	13:27:49
3	was through something like SharePoint. But	13:27:51
4	I don't know the location of SharePoint, where	13:27:59
5	SharePoint stores the information. Just like	13:28:02
6	Google, Google is an American company, but Google	13:28:23
7	has data centers in Taiwan and throughout Asia.	13:28:26
8	So when I link to Google, I actually do not know	13:28:29
9	which server am I retrieving data from, or which	13:28:33
10	data center am I retrieving data from.	13:28:36
11	Q. Any other ways that you obtained Micron	13:28:47
12	information that you brought with you to UMC?	13:28:49
13	A. I think just these three.	13:29:04
14	Q. When you worked at Micron, you understood	13:29:08
15	that Micron is headquartered in Boise, Idaho;	13:29:11
16	correct?	13:29:15
17	A. Yes.	13:29:21
18	Q. And what are some of the SharePoint sites	13:29:22
19	that you downloaded Micron information from?	13:29:25
20	A. I do not know. Just SharePoint.	13:29:37
21	Q. Are you aware that Micron's SharePoint	13:29:42
22	sites' servers are all located in the United	13:29:46
23	States?	13:29:49
24	A. I do not know.	13:29:54
25	Q. You certainly know that Micron maintains	13:29:56

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Transcript of JT Ho

Conducted on July 12, 2018

73

1	and stores technical documents in the United	13:29:59
2	States; correct?	13:30:03
3	A. I don't know if this statement is correct	13:30:18
4	or not. I did not really think about this,	13:30:20
5	because from the perspective of efficiency, it	13:30:40
6	would be slow to have to link back to the US every	13:30:44
7	time there is a search for data. Just like	13:30:48
8	Google. Google has data centers throughout the	13:30:51
9	world.	13:30:53
10	Q. Where did you think the documents that	13:30:56
11	you were downloading were coming from?	13:30:58
12	A. If it was a public hard disk drive, then	13:31:20
13	it must have been from Taiwan, because it had been	13:31:23
14	available before Micron. If it's SharePoint, then	13:31:26
15	I don't know. I have never thought about this	13:31:41
16	issue. There's a rather large server room on	13:31:43
17	site, so I did not really think where that server	13:31:46
18	links to.	13:31:51
19	Q. In 2013, Micron acquired Rexchip;	13:31:53
20	correct?	13:31:59
21	A. Yes.	13:32:05
22	Q. And in 2013, you understood that Micron	13:32:08
23	Technology, Inc. was located in Boise, Idaho;	13:32:11
24	correct?	13:32:17
25	MR. JOHNSON: Objection. Asked and	13:32:18

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Transcript of JT Ho

Conducted on July 12, 2018

74

1	answered three times.	13:32:19
2	A. Micron was -- Micron is headquartered in	13:32:33
3	Idaho, that is correct.	13:32:37
4	BY MR. MICHAEL:	13:32:38
5	Q. And you have an engineering degree, isn't	13:32:38
6	that correct, Mr. Ho?	13:32:40
7	A. Yes.	13:32:48
8	Q. You're familiar with computers and	13:32:49
9	servers and software and hardware, isn't that	13:32:50
10	right?	13:32:53
11	A. I have certain level of understanding.	13:33:01
12	Q. Based on your experience, your education	13:33:03
13	experience, your working experience as	13:33:06
14	an engineer, and your knowledge of SharePoint	13:33:08
15	systems, wouldn't you agree that it was reasonable	13:33:12
16	to assume that some of the documents you were	13:33:18
17	downloading from Micron's SharePoint sites came	13:33:20
18	from the United States.	13:33:23
19	MR. JOHNSON: Objection. That calls for	13:33:25
20	speculation, conjecture, as well as expert	13:33:26
21	opinion.	13:33:29
22	THE CHECK INTERPRETER: "(Chinese	13:33:57
23	spoken)".	13:33:57
24	A. I really didn't give these types of	13:34:07
25	questions a thought.	13:34:10

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Transcript of JT Ho

Conducted on July 12, 2018

75

1 BY MR. MICHAEL:

13:34:14

2 Q. As you sit here today, based on your
3 experience working in Micron, is it likely that at
4 least some of the files you downloaded from
5 Micron's SharePoint servers came from locations in
6 the United States?

13:34:15

13:34:17

13:34:20

13:34:22

13:34:26

7 MR. JOHNSON: Objection. Calls for
8 speculation and conjecture, as well as expert
9 opinion. No underlying foundation.

13:34:27

13:34:28

13:34:31

10 A. When I was working for Micron, no-one had
11 ever told us that the server was located in the
12 US. There was no such thing. And when we were
13 using the network of the company, we really didn't
14 think about it. Just like when we are using
15 Google, we really don't think about the location
16 of the servers.

13:35:05

13:35:09

13:35:11

13:35:23

13:35:28

13:35:31

13:35:35

17 (Exhibit 36 marked for identification - Document
18 entitled "DRAM Probe Bins Training for MMJ")

13:36:26

13:36:26

19 BY MR. MICHAEL:

13:36:28

20 Q. Mr. Ho, I've handed you what I've marked
21 as Exhibit 36.

13:36:28

13:36:31

22 I'll represent to you that this is
23 a partial document. It actually comes from
24 a document that's approximately 330 pages. What
25 is included in Exhibit 36 are the first 10 and it

13:36:32

13:36:34

13:36:39

13:36:44

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Transcript of JT Ho

Conducted on July 12, 2018

76

1 looks like the last 10 pages of this document. 13:36:52

2 And this was a document that was produced in 13:36:56

3 native format by UMC just yesterday or Tuesday. 13:36:59

4 And for the record, the document has the 13:37:50

5 title "DRAM Probe Bins Training for MMJ. Last 13:37:52

6 update: 12/6/13". 13:37:58

7 Have you seen this document before, 13:38:11

8 Mr. Ho? 13:38:13

9 A. I am not sure. There was something in 13:38:24

10 similar content, but not in a format that I am 13:38:28

11 familiar with. 13:38:33

12 Q. Do you know who Jim Jozwiak is? His 13:38:34

13 name's right here on the front page of this 13:38:46

14 document, Exhibit 36. 13:38:48

15 A. Yes, I saw his name before. 13:38:49

16 Q. Who is he? 13:38:52

17 A. I only saw his name, but I do not know 13:39:03

18 who he is. 13:39:06

19 Q. He works at Micron? 13:39:07

20 A. I suppose so. 13:39:09

21 Q. Is he located in the United States? 13:39:11

22 MR. JOHNSON: Objection. Asking for 13:39:20

23 speculation. 13:39:22

24 A. I do not know. 13:39:24

25

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Transcript of JT Ho

Conducted on July 12, 2018

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1	BY MR. MICHAEL:	13:39:25
2	Q. At the top right of the document, the	13:39:25
3	document says, "Fab 4, training and	13:39:27
4	documentation". Do you see that?	13:39:30
5	A. Yes.	13:39:40
6	Q. Does Micron have a fabrication facility	13:39:41
7	they refer to as "Fab 4"?	13:39:43
8	A. Yes, it's Fab 4 R&D.	13:39:51
9	Q. Where is Micron's Fab 4 located?	13:39:54
10	A. Boise.	13:40:03
11	Q. Was this document downloaded from	13:40:05
12	Micron's locations in the United States?	13:40:07
13	MR. JOHNSON: Objection. Calls for	13:40:17
14	speculation and conjecture. The witness has	13:40:18
15	testified he hasn't seen this document.	13:40:20
16	A. I do not know.	13:40:34
17	BY MR. MICHAEL:	13:40:35
18	[REDACTED]	13:40:41
19	[REDACTED]	13:40:44
20	[REDACTED]	13:40:50
21	[REDACTED]	13:40:55
22	[REDACTED]	13:41:21
23	[REDACTED]	13:41:23
24	[REDACTED]	13:41:38
25	[REDACTED]	13:41:41

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Transcript of JT Ho

Conducted on July 12, 2018

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1	[REDACTED]	13:41:43
2	[REDACTED]	13:41:55
3	[REDACTED]	13:41:59
4	[REDACTED]	13:42:02
5	Q. Do you know what metadata is?	13:42:04
6	THE CHECK INTERPRETER: Correction.	13:42:07
7	"But there would be no way for us to know	13:42:07
8	exactly where the documents came from."	13:42:10
9	(Pending question interpreted)	13:42:14
10	A. I have never heard of it.	13:42:22
11	BY MR. MICHAEL:	13:42:23
12	Q. Who is Tom Melody at Micron, if you know?	13:42:24
13	A. I met him.	13:42:34
14	Q. Where did you meet him?	13:42:36
15	A. In our site in Taichung.	13:42:43
16	Q. Do you know what location Tom Melody	13:42:47
17	works at?	13:42:50
18	A. He worked in Taichung.	13:42:52
19	Q. Have you ever been to the United States?	13:42:58
20	A. No.	13:43:00
21	Q. In your entire life, you've never been to	13:43:02
22	the United States?	13:43:04
23	A. No, I didn't have the chance.	13:43:07
24	Q. When UMC conducted its search for Micron	13:43:18
25	documents in UMC's possession, did UMC search for	13:43:21

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USD-0351739

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Transcript of JT Ho

Conducted on July 12, 2018

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1	Rexchip or Elpida documents in UMC's possession?	13:43:26
2	A. Yes. Similar key words were used for	13:43:51
3	search, for Elpida and Rexchip to search.	13:44:00
4	Q. Earlier today, in your testimony, you	13:44:10
5	mentioned that you had taken certain pictures	13:44:13
6	while you were at Micron and sent those to your	13:44:16
7	Gmail account. Do you recall that testimony?	13:44:22
8	A. Yes.	13:44:43
9	Q. Did you take those pictures with your	13:44:44
10	phone?	13:44:46
11	A. Yes.	13:44:54
12	Q. And do you still have the phone today	13:44:56
13	that you took those pictures with while you were	13:44:58
14	at Micron?	13:45:01
15	A. I've already changed the cell phone. But	13:45:08
16	the data is still stored in the Google account.	13:45:19
17	Q. The data from your phone is still stored	13:45:21
18	on the Google account; is that what you're	13:45:23
19	indicating?	13:45:26
20	A. Yes.	13:45:35
21	Q. Did the Taiwan prosecutors confiscate any	13:45:37
22	of your cell phones?	13:45:47
23	A. Yes.	13:45:49
24	Q. How many?	13:45:53
25	A. One.	13:46:00

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Transcript of JT Ho

Conducted on July 12, 2018

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1	Q. And in February 2017, how many cell	13:46:01
2	phones did you own?	13:46:04
3	A. One.	13:46:10
4	Q. Is the cell phone that was confiscated by	13:46:16
5	the prosecutors in February 2017 the same cell	13:46:19
6	phone that you used to take pictures of Micron	13:46:22
7	material while you were at Micron?	13:46:27
8	A. No.	13:46:44
9	Q. Why did they confiscate your cell phone?	13:46:45
10	MR. JOHNSON: Objection. Calls for	13:46:49
11	speculation and conjecture.	13:46:50
12	A. It is how Taiwan is. When there's	13:47:02
13	a speculation, they just take away your cell	13:47:06
14	phone.	13:47:09
15	THE CHECK INTERPRETER: "If there is any	13:47:10
16	suspicion -- suspicion."	13:47:11
17	BY MR. MICHAEL:	13:47:14
18	Q. Did any Micron documentation or photos of	13:47:14
19	Micron information exist on the cell phone that	13:47:16
20	the prosecutors confiscated in February 2017?	13:47:19
21	A. There was no documents of Micron, but	13:47:46
22	I suppose there were photos where I took when	13:47:47
23	I had meetings at Micron, photos of the	13:47:53
24	whiteboards in the Micron meetings.	13:47:55
25	Q. Did you ever do Webexes while you were an	13:48:03

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Transcript of JT Ho

Conducted on July 12, 2018

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1	employee at Micron?	13:48:05
2	A. I have never heard of it.	13:48:20
3	Q. Did you ever do any videoconferencing	13:48:21
4	when you were an employee at Micron?	13:48:23
5	A. Yes.	13:48:29
6	Q. Did you ever do videoconferencing at	13:48:30
7	Micron with Micron employees that were based in	13:48:32
8	the United States?	13:48:36
9	A. Yes.	13:48:46
10	Q. How many times?	13:48:46
11	A. Many times. There were weekly meetings	13:48:59
12	back then. So two to three times every week.	13:49:02
13	Q. And who would you primarily have meetings	13:49:09
14	with in Micron two to three times a week?	13:49:12
15	A. I do not recall exactly with whom I had	13:50:11
16	meetings. It was a joint meeting between Japan	13:50:14
17	and Taiwan, as well as the product engineer in the	13:50:19
18	US.	13:50:22
19	THE CHECK INTERPRETER: "I do not --	13:50:27
20	I did not try to memorize who they were. The	13:50:29
21	meeting was between Japan and also Taiwan, and	13:50:33
22	sometimes it also did involve Taoyuan and also	13:50:38
23	Singapore and Boise and Virginia -- no, no, not	13:50:45
24	many, not that many. I think it was only -- it	13:50:47
25	only involved Taiwan and Japan, because Taiwan and	13:50:51

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Transcript of JT Ho

Conducted on July 12, 2018

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1	Japan are developing the same product, and	13:50:56
2	sometimes we will have meetings with engineers in	13:50:59
3	the US. And as for who the individual, that	13:51:01
4	person was from the US, I have forgotten."	13:51:06
5	BY MR. MICHAEL:	13:51:13
6	Q. While you were at Micron, did you have	13:51:14
7	telephonic and videoconference meetings with	13:51:16
8	Micron employees in the US on a weekly or biweekly	13:51:20
9	basis?	13:51:26
10	A. Yes. It was kind of like a meeting open	13:51:48
11	to everyone. You know the time of the meeting,	13:51:51
12	and if you're interested, and then you join.	13:51:55
13	Q. How did you call in to that meeting?	13:52:10
14	A. We use something like that -- Polycom.	13:52:22
15	Q. There's a conference call number for you	13:52:26
16	to call into?	13:52:28
17	A. Yes.	13:52:31
18	Q. And this is a collaborative meeting with	13:52:32
19	engineers from various locations at Micron's	13:52:35
20	facilities?	13:52:39
21	A. Yes, but depending on the topic,	13:53:01
22	sometimes the meeting is just between Taiwan and	13:53:04
23	Japan; sometimes it's with the United States.	13:53:07
24	Q. And approximately how many times while	13:53:11
25	you worked at Micron did you participate in	13:53:13

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Transcript of JT Ho

Conducted on July 12, 2018

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1	meetings with Micron engineers that were based in	13:53:16
2	the United States?	13:53:23
3	A. Many times.	13:53:36
4	Q. Approximately more than 100?	13:53:37
5	A. There's 50 weeks a year. I've been with	13:54:00
6	Micron for slightly more than two years. So	13:54:03
7	I would say more than 60 meetings.	13:54:06
8	Q. And during these meetings, were there	13:54:13
9	presentations that were made?	13:54:15
10	A. Yes. In a meeting, usually the	13:54:26
11	participants would just make their presentation	13:54:29
12	regarding their topic, in turns.	13:54:32
13	Q. And following the meeting, were you given	13:54:34
14	the opportunity to download some of the	13:54:36
15	presentation materials?	13:54:38
16	A. Yes, there was such possibility.	13:54:51
17	Q. And did you in fact download technical	13:54:53
18	information following meetings that you had with	13:54:56
19	Micron United States-based engineers?	13:55:02
20	A. Yes, but I do not recall what information	13:55:16
21	I downloaded.	13:55:19
22	Q. But you recognized when you were	13:55:24
23	downloading Micron information you very well may	13:55:26
24	have been downloading information from the United	13:55:29
25	States; is that fair?	13:55:30

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Transcript of JT Ho

Conducted on July 12, 2018

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1	MR. JOHNSON: Objection. Calls for	13:55:33
2	speculation and conjecture.	13:55:34
3	A. First of all, I do not recall what	13:56:10
4	information I downloaded. It could very well just	13:56:12
5	have been information about Taiwan or Japan.	13:56:14
6	Second of all, if it was a US-related information,	13:56:17
7	I really did not think of the source of the	13:56:21
8	information.	13:56:24
9	(Exhibit 37 marked for identification - Micron's	13:56:28
10	complaint against UMC and Fujian Jinhua)	13:56:28
11	BY MR. MICHAEL:	13:56:39
12	Q. Mr. Ho, I've handed you what I've marked	13:56:40
13	as Exhibit 37.	13:56:43
14	This is, for the record, Micron	13:56:49
15	Technology's complaint against United	13:56:53
16	Microelectronics Corporation, Fujian Jinhua	13:56:55
17	Integrated Circuit Co. And, Mr. Ho, attached to	13:56:58
18	this complaint, if you turn about a third of the	13:57:15
19	way back, there is a document -- it should be	13:57:19
20	separated by staples, the second document.	13:57:26
21	So the record's clear, Exhibit 37	13:57:47
22	consists of Micron's complaint, as well as	13:57:49
23	Exhibit 1 and Exhibit 2 to the complaint, those	13:57:50
24	being the indictment decision of the Taiwan	13:57:55
25	Taichung District Prosecutors Office, both in	13:57:59

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Transcript of JT Ho

Conducted on July 12, 2018

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1	Chinese as well as a certified translation.	13:58:07
2	Mr. Ho, I'm going to have some questions	13:58:31
3	for you about the indictment decision that is part	13:58:34
4	of the complaint that Micron filed. There's both	13:58:38
5	an English version as well as a Chinese version.	13:58:41
6	Are you comfortable going over the English	13:58:44
7	version, or would you prefer to review the Chinese	13:58:47
8	version?	13:58:52
9	A. We can start with the English version.	13:59:20
10	If there's anything I cannot understand, we can	13:59:21
11	always refer back to the Chinese version.	13:59:24
12	MR. JOHNSON: Yes, but before we go	13:59:27
13	forward, Mr. Ho is separately represented in	13:59:29
14	a criminal matter, and we do not represent him,	13:59:32
15	and we will instruct him not to answer any	13:59:34
16	questions concerning a criminal indictment,	13:59:38
17	because that's currently pending against him, as	13:59:40
18	I have zero idea, because I'm not familiar with	13:59:43
19	the law in this country, or what, if any, rights	13:59:48
20	exist again self-incrimination or otherwise.	13:59:49
21	So I'm going to instruct him not to	13:59:49
22	answer any questions about this complaint other	13:59:51
23	than questions that might relate to issues	13:59:53
24	involving his name. Anything that goes to any of	13:59:58
25	the facts contained in that indictment, he's not	14:00:01

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Transcript of JT Ho

Conducted on July 12, 2018

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1	going to answer without consultation with his	14:00:04
2	criminal lawyer.	14:00:07
3	THE CHECK INTERPRETER: "(Chinese	14:01:09
4	spoken)".	14:01:09
5	BY MR. MICHAEL:	14:01:16
6	Q. Mr. Ho, have you seen this indictment	14:01:17
7	decision before?	14:01:19
8	A. Yes.	14:01:23
9	Q. And the 1st defendant listed on this	14:01:25
10	indictment decision is yourself, JT Ho; is that	14:01:29
11	correct?	14:01:31
12	A. Yes.	14:01:39
13	Q. I ask you to turn to page 5 of this	14:01:51
14	indictment decision.	14:01:56
15	A. The English version?	14:02:07
16	Q. The English version. And about	14:02:08
17	two-thirds of the way down the page, there's	14:02:21
18	a statement that says, "('Electronic Record C',	14:02:35
19	including a total of 931 files)". Do you see	14:02:40
20	that?	14:02:46
21	MR. JOHNSON: Only answer that question:	14:02:47
22	did you see it?	14:02:49
23	THE CHECK INTERPRETER: "(Chinese	14:03:08
24	spoken)".	14:03:08
25	A. Yes. Yes, I saw that.	14:03:08

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Transcript of JT Ho

Conducted on July 12, 2018

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1	BY MR. MICHAEL:	14:03:15
2	Q. Does UMC have these 931 files?	14:03:16
3	MR. JOHNSON: I object to the question.	14:03:25
4	If you know anything about these 931	14:03:26
5	files other than the context that's -- strike	14:03:31
6	that.	14:03:35
7	If the 930-some-odd files are as	14:03:35
8	a result of your knowledge of this, you cannot	14:03:39
9	answer. If you have independent knowledge about	14:03:41
10	the existence and the number of the files based	14:03:43
11	upon your investigation on behalf of the company,	14:03:45
12	you can answer.	14:03:47
13	A. I don't know these 931 files refer to	14:04:23
14	which 931 files.	14:04:26
15	BY MR. MICHAEL:	14:04:30
16	Q. Did UMC do anything in advance of today's	14:04:31
17	deposition to search for, identify and collect the	14:04:34
18	931 files that are identified as "electronic	14:04:40
19	record C"?	14:04:45
20	A. It looks to me to be the information of	14:05:07
21	Kenny Wang's. So in the internal investigation on	14:05:09
22	Kenny Wang, there were 30-something files	14:05:21
23	identified, either from his email, emailing from	14:05:25
24	outside. And if those 30-something files of Kenny	14:05:31
25	Wang belong to the 931 files, I do not know.	14:05:44

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Transcript of JT Ho

Conducted on July 12, 2018

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1	MR. MICHAEL: I'm not going to agree that	14:05:56
2	your instruction is proper, but I understand it,	14:05:58
3	and I don't think today's the day to go over the	14:06:00
4	merits of this. We'll save it for another day.	14:06:02
5	But I am going to go through the tables towards	14:06:06
6	the end which identify various pieces of evidence.	14:06:08
7	MR. JOHNSON: Well --	14:06:11
8	MR. MICHAEL: And it'll be focused on	14:06:13
9	UMC's efforts to collect and identify documents	14:06:14
10	that are listed in the tables at the end. So	14:06:18
11	let's go through that.	14:06:26
12	MR. JOHNSON: You have my objection.	14:06:28
13	MR. MICHAEL: I have your instruction.	14:06:31
14	I'll assume the witness is going to follow your	14:06:33
15	instruction, but I'm going to state that we don't	14:06:36
16	agree that it's an appropriate instruction, but	14:06:39
17	we'll save that for the next deposition.	14:06:42
18	BY MR. MICHAEL:	14:06:43
19	Q. Mr. Ho, can I ask you to look at pages 17	14:06:43
20	through 26 of the indictment, which list numerous	14:06:47
21	documents and records identified in the Taiwan	14:06:55
22	indictment.	14:07:00
23	A. Okay, from 16 to 26?	14:07:18
24	THE MAIN INTERPRETER: Excuse me,	14:07:25
25	interpreter correction.	14:07:26

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Transcript of JT Ho

Conducted on July 12, 2018

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1	A. From 17 to 26?	14:07:27
2	BY MR. MICHAEL:	14:07:30
3	Q. Thank you, 17 to 26.	14:07:30
4	So in connection with your preparation	14:07:34
5	to testify as UMC's corporate representative on	14:07:37
6	Micron documents in UMC's possession, including	14:07:42
7	documents identified in the Taiwan indictment, did	14:07:45
8	UMC use the indictment, and specifically the	14:07:50
9	tables on pages 17 to 26 of the indictment, to	14:07:57
10	guide its search for Micron documents?	14:08:03
11	MR. JOHNSON: You can answer "Yes" if you	14:08:49
12	know, "No" if you don't know, or answer "I don't	14:08:52
13	know". I don't want -- but: did they use the	14:08:55
14	items on 17 through 26 to guide their	14:08:56
15	investigation?	14:09:00
16	A. I do not know.	14:09:19
17	BY MR. MICHAEL:	14:09:24
18	Q. Mr. Ho, if you could turn to page 18 and	14:09:25
19	take a look at table 3. Table 3, on the right	14:09:28
20	column, "Remarks", at the bottom, lists three	14:09:44
21	files that are identified to be Micron's trade	14:09:50
22	secrets. And it starts with "1. 4G3D", and it has	14:09:56
23	"2. Fab11", "3. WAT param". Do you see those	14:10:05
24	three items?	14:10:16
25	MR. JOHNSON: You can answer "Yes" if you	14:10:44

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Transcript of JT Ho

Conducted on July 12, 2018

90

1	see it.	14:10:47
2	A. Yes, I saw these.	14:10:48
3	BY MR. MICHAEL:	14:10:50
4	Q. Did UMC search its system for those three	14:10:50
5	files?	14:10:54
6	A. I do not know.	14:10:55
7	Q. Table 4 on page 19. In the, again, far	14:11:05
8	right column, under "Remarks", the first remark	14:11:14
9	references hard copies of a document titled	14:11:17
10	"Peripheral Design Rules for DR25 nanometer". Do	14:11:20
11	you see that?	14:11:26
12	A. Yes.	14:11:44
13	Q. Did UMC search for this document in its	14:11:45
14	systems?	14:11:47
15	MR. JOHNSON: Same instruction.	14:11:53
16	A. I do not know.	14:11:54
17	BY MR. MICHAEL:	14:11:56
18	Q. Table 5. You see table 5 continues from	14:11:57
19	page 20 over to page 21, Mr. Ho. On the second	14:12:28
20	part of table 5, which is on page 21 --	14:12:35
21	MR. JOHNSON: I think for the record --	14:12:49
22	MR. MICHAEL: -- there is a reference	14:12:52
23	under "Remarks" where it says:	14:12:53
24	"... witness Yi Ling Chen confirmed that	14:12:55
25	the path below contains MTI's trade secrets."	14:12:59

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Transcript of JT Ho

Conducted on July 12, 2018

91

1	And then a file path is identified,	14:13:03
2	starting with "\\106030".	14:13:05
3	Do you see that?	14:13:18
4	A. Yes.	14:13:30
5	Q. Did UMC search for this path name to	14:13:30
6	determine if the UMC network had copies of any of	14:13:34
7	the downloaded materials referenced in table 5?	14:13:39
8	A. I do not know.	14:14:03
9	MR. JOHNSON: For the record, we have two	14:14:05
10	sets of numbers on this document. We are using	14:14:06
11	the smaller number that appeared to have been part	14:14:08
12	of the original document. The lower -- the number	14:14:11
13	in the lower corner has an exhibit to it with a	14:14:13
14	page number, in this case page 50, so there will	14:14:17
15	be no ambiguity.	14:14:24
16	BY MR. MICHAEL:	14:14:55
17	Q. Mr. Ho, if you could turn to table 8	14:14:55
18	which is on page 23.	14:14:58
19	Just one second, Mr. Ho. Under the	14:15:52
20	column "Name of seized item", the first entry	14:16:00
21	there says "Notebook of JT Ho". Do you see that?	14:16:04
22	A. Yes.	14:16:18
23	Q. And under "Quantity", it says "4 copies".	14:16:19
24	A. Yes.	14:16:30
25	Q. Do you know if what was confiscated were	14:16:31

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Transcript of JT Ho

Conducted on July 12, 2018

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1	four copies of a single notebook, or whether there	14:16:37
2	were four different notebooks that were	14:16:40
3	confiscated?	14:16:42
4	THE CHECK INTERPRETER: Counsel, by	14:16:58
5	"notebook" do you refer to paper notebook or	14:16:59
6	notebook computers?	14:17:03
7	MR. MICHAEL: I believe this is referring	14:17:05
8	to a paper notebook.	14:17:07
9	THE MAIN INTERPRETER: I am sorry, I	14:17:09
10	thought it was --	14:17:09
11	MR. MICHAEL: But that's a good question.	14:17:09
12	THE CHECK INTERPRETER: I believe it was	14:17:10
13	translated as notebook computer.	14:17:11
14	A. I think it refers to four paper notebooks	14:17:15
15	of mine.	14:17:19
16	BY MR. MICHAEL:	14:17:19
17	Q. So let's get that clarification.	14:17:20
18	Mr. Ho, it says "Notebook of JT Ho". Is	14:17:22
19	that notebook referring to a notebook computer, or	14:17:26
20	is it referring to a paper notebook?	14:17:32
21	A. I think it's a paper notebook in smaller	14:17:43
22	sizes.	14:17:48
23	Q. Does UMC -- do you keep a lab notebook as	14:17:49
24	part of your job responsibilities at UMC?	14:17:52
25	THE CHECK INTERPRETER: "(Chinese	14:18:00

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Transcript of JT Ho

Conducted on July 12, 2018

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1	spoken)".	14:18:00
2	A. No.	14:18:02
3	BY MR. MICHAEL:	14:18:05
4	Q. And you believe that the reference to "4	14:18:05
5	copies" is copies of four different notebooks;	14:18:08
6	correct?	14:18:13
7	MR. JOHNSON: Objection. I don't want	14:18:14
8	you to speculate as to what this document means.	14:18:15
9	You can testify about your recollection of what	14:18:18
10	was taken that day.	14:18:21
11	A. So in the Chinese version, it says "JT	14:18:51
12	Ho's notebook, 4 notebooks".	14:18:54
13	BY MR. MICHAEL:	14:18:58
14	Q. Okay. So it's four separate notebooks;	14:18:58
15	correct?	14:19:01
16	A. Yes.	14:19:03
17	Q. Does UMC have copies of those notebooks	14:19:04
18	today?	14:19:08
19	A. No.	14:19:16
20	Q. If you go down to 2B-4, it says "Mobile	14:19:20
21	phone of JT Ho". Do you see that?	14:19:29
22	A. Yes.	14:19:39
23	Q. There are two numbers listed. Why are	14:19:40
24	there two phone numbers listed there?	14:19:42
25	MR. JOHNSON: Objection.	14:19:45

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USD-0351754

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Transcript of JT Ho

Conducted on July 12, 2018

94

1	You can answer that.	14:19:54
2	A. My cell phone, one cell phone can contain	14:20:02
3	two SIM cards, so it's a dual mode.	14:20:06
4	BY MR. MICHAEL:	14:20:10
5	Q. And were these cell phone records backed	14:20:13
6	up to your Gmail account?	14:20:19
7	MR. JOHNSON: You understand the	14:20:35
8	question?	14:20:36
9	A. I actually do not understand the	14:20:36
10	question. Why would I want to back up my cell	14:20:38
11	phone records to the Gmail account?	14:20:41
12	BY MR. MICHAEL:	14:20:44
13	Q. Did your -- did your cell phone -- was it	14:20:44
14	backed up to the cloud or anything of that nature?	14:20:47
15	A. I did it, but I do not recall when.	14:21:06
16	Q. Did UMC search --	14:21:10
17	THE CHECK INTERPRETER: Correction.	14:21:12
18	"I did it before, but I don't remember	14:21:12
19	when.	14:21:15
20	BY MR. MICHAEL:	14:21:16
21	Q. Did UMC search your phone records that	14:21:16
22	had been backed up to determine whether there were	14:21:20
23	Micron documents?	14:21:24
24	A. No.	14:21:38
25	Q. Other than the first hard drive that UMC	14:21:41

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Transcript of JT Ho

Conducted on July 12, 2018

95

1	issued to you where Micron documents were found in	14:22:25
2	your trash bin, are you aware of any other laptops	14:22:30
3	or hard drives for laptops that contain Micron	14:22:36
4	documents?	14:22:45
5	A. No, I do not know.	14:23:07
6	MR. JOHNSON: We've been going about	14:23:42
7	an hour and a half.	14:23:44
8	MR. MICHAEL: Why don't we stop for --	14:24:06
9	MR. JOHNSON: Take a break?	14:24:08
10	MR. MICHAEL: Yeah, we'll take a break.	14:24:09
11	THE VIDEOGRAPHER: We are going off the	14:24:10
12	record. The time is 2:24.	14:24:11
13	(Break taken)	14:24:18
14	THE VIDEOGRAPHER: We are back on the	14:41:46
15	record. The time is 2:41 p.m.	14:41:47
16	BY MR. MICHAEL:	14:41:59
17	Q. Mr. Ho, I'm going to get back to the	14:42:00
18	first hard drive that you were issued at UMC,	14:42:02
19	where Micron documents were found in the trash	14:42:05
20	bin.	14:42:08
21	Who placed those documents in the trash	14:42:20
22	bin?	14:42:22
23	A. Actually, I do not remember. Before the	14:42:31
24	forensics company recovered the documents,	14:42:39
25	I actually had already no memory of it.	14:42:41

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Transcript of JT Ho

Conducted on July 12, 2018

96

1 I actually thought that I had never copied any 14:42:50
2 information to the company computer. It was until 14:42:53
3 the result of the investigation done by the 14:43:03
4 forensics company, identifying that there were 14:43:08
5 documents there, that I knew that, oh, there were 14:43:11
6 documents. 14:43:13

7 Q. When you say you had never copied any 14:43:27
8 information to the company computer, you mean 14:43:31
9 you've never copied any Micron information to the 14:43:33
10 company computer? 14:43:35

11 A. Yes. 14:43:45

12 Q. Where did you store all of the Micron 14:43:51
13 documents that were in your possession while at 14:43:53
14 Micron -- while at UMC? 14:43:57

15 A. The USB flash drive that I mentioned 14:44:11
16 earlier, and the hard disk drive of Transcend. 14:44:18

17 Q. If you didn't put the Micron documents 14:44:27
18 from your hard drive number 1 in the trash bin, 14:44:32
19 who did? 14:44:38

20 MR. JOHNSON: Objection. Calls for 14:44:40
21 speculation and conjecture. 14:44:41

22 A. Yes, of course it could have been me, 14:45:06
23 because the computer was mine. 14:45:08

24 BY MR. MICHAEL: 14:45:10

25 Q. Did you check to see if the computer had 14:45:11

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Transcript of JT Ho

Conducted on July 12, 2018

97

1	been issued to any other UMC employees?	14:45:13
2	A. No. The computer was brand new. It was	14:45:28
3	bought after I was on board.	14:45:32
4	Q. And approximately -- what was the	14:45:58
5	approximate volume, number of Micron documents	14:46:01
6	that you possessed on the flash drive?	14:46:04
7	A. So I used the USB and then the company	14:46:32
8	would detect the number of the USB used. So	14:46:35
9	according to the statement of the IT department,	14:46:42
10	there were 20,000 pieces of information.	14:46:45
11	Q. When you say there were 20,000 pieces of	14:47:10
12	information, do you mean that there were 20,000	14:47:13
13	files containing Micron information on your flash	14:47:17
14	drive?	14:47:22
15	A. Yes. According to the IT department,	14:47:41
16	there were more than 20,000 files with Micron	14:47:43
17	information.	14:47:46
18	Q. And what about on your hard disk drive?	14:47:47
19	What was the volume of Micron files on the hard	14:47:50
20	disk drive? And so we're clear, Mr. Ho, I'm	14:47:55
21	talking about the external drive.	14:48:04
22	A. I thought we went through this question,	14:48:21
23	and my answer earlier was more than 20,000 files.	14:48:22
24	So is this asking the same question?	14:48:25
25	Q. You identified two external drives,	14:48:31

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Transcript of JT Ho

Conducted on July 12, 2018

98

1	a flash drive as well as a hard disk drive;	14:48:33
2	correct?	14:48:37
3	A. Yes.	14:48:43
4	Q. So my first question related to the flash	14:48:45
5	drive. This latest question related to the	14:48:48
6	external hard disk drive. Were there 20,000 files	14:48:51
7	on both of them combined, or can you break them	14:48:56
8	out for me?	14:49:00
9	A. The information on the flash drive and	14:49:30
10	the hard disk drive is the same. So one is just	14:49:31
11	the back-up of the other.	14:49:35
12	(Exhibit 38 marked for identification - Document	14:50:09
13	entitled "Document Placeholder", partial printout	14:50:09
14	of Excel file)	14:50:09
15	BY MR. MICHAEL:	14:50:10
16	Q. Mr. Ho, I've handed you what we've marked	14:50:11
17	as -- actually, Mr. Ho, let me get that back real	14:50:13
18	quick.	14:50:18
19	Mr. Ho, I've handed you what we've	14:50:52
20	marked as Exhibit 38. This is a document	14:50:54
21	placeholder because this is a document that UMC	14:50:56
22	produced in native format. It has on the first	14:50:59
23	page the Bates stamp number, for the record,	14:51:02
24	UMCCORPJD000717.	14:51:04
25	And, Mr. Ho, what is attached as	14:51:36

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Transcript of JT Ho

Conducted on July 12, 2018

99

1	Exhibit 38 is a partial printout of the natively	14:51:43
2	produced document, which is an Excel file, and	14:51:46
3	specifically it includes the first 289 rows of the	14:51:49
4	document, and then it picks up again at row 25,105	14:51:59
5	and continues through 25,305. Do you see that?	14:52:05
6	A. Yes.	14:52:50
7	Q. The reason we've only provided a partial	14:52:51
8	document is if we were to print it out, it would	14:52:53
9	be several thousand pages. Can you tell me if	14:52:56
10	Exhibit 38 represents a document that identifies	14:53:03
11	the 20,000-plus files of Micron information that	14:53:11
12	were found on your external flash drive and hard	14:53:18
13	disk drive?	14:53:24
14	A. Partially. If you refer to the pages	14:53:55
15	a few pages back, if you look at them, you would	14:54:06
16	note that they are not Micron information. Those	14:54:09
17	are Powerchip's information. If you refer to the	14:54:12
18	first couple of pages, those were about Micron.	14:54:30
19	But if you look at row 20,000-something, by just	14:54:33
20	looking at them, you would note that they're not	14:54:40
21	Micron's; they're Powerchip's. Because Rexchip	14:54:42
22	has never run this product.	14:54:55
23	Q. If I were to examine the full 25,000	14:55:08
24	rows, 25,305 rows of this document in its native	14:55:15
25	form, would I find the 20,000-plus Micron files	14:55:19

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Transcript of JT Ho

Conducted on July 12, 2018

100

1	that existed on your external flash drive and hard	14:55:24
2	disk drive?	14:55:30
3	MR. JOHNSON: Objection. That calls for	14:55:53
4	speculation and conjecture.	14:55:55
5	A. I think we should say this in reverse,	14:56:08
6	because the information contained on this document	14:56:11
7	is the directory on my flash drive. Actually, no,	14:56:15
8	let me correct. The information contained on this	14:56:23
9	document is the directory on my hard disk drive.	14:56:27
10	Because it says "Transcend" on the document.	14:56:32
11	BY MR. MICHAEL:	14:56:52
12	Q. When was this document prepared?	14:56:52
13	A. I do not know the exact date. It should	14:57:02
14	be in recent months.	14:57:06
15	Q. Who prepared this document?	14:57:13
16	A. I suppose it was prepared by the IT	14:57:18
17	department and the legal counsel or the legal	14:57:20
18	department.	14:57:25
19	Q. Did you ask that this document be	14:57:25
20	prepared in connection with your preparation to	14:57:27
21	testify as UMC's corporate designee here today?	14:57:30
22	THE CHECK INTERPRETER: "(Chinese	14:57:45
23	spoken)".	14:57:45
24	A. The company was to provide the	14:58:03
25	information to Micron, so I did not make any	14:58:04

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Transcript of JT Ho

Conducted on July 12, 2018

101

1	request. I did not know the existence of such	14:58:08
2	document until recently, until recent months.	14:58:20
3	BY MR. MICHAEL:	14:58:27
4	Q. When did you first learn of the existence	14:58:27
5	of this document?	14:58:30
6	A. I think it was last year.	14:58:35
7	Q. Approximately what month?	14:58:40
8	A. I am not sure.	14:58:47
9	Q. And I apologize if I asked this: who	14:58:54
10	prepared this document?	14:58:57
11	A. I suppose it was people from the IT	14:59:05
12	department and the legal department.	14:59:07
13	Q. You didn't ask the IT department who	14:59:14
14	specifically prepared this document?	14:59:16
15	A. No.	14:59:24
16	(Exhibit 39 marked for identification - Screenshot	14:59:58
17	of Mr. Michael's computer showing Exhibit 38)	14:59:58
18	BY MR. MICHAEL:	15:00:01
19	Q. Mr. Ho, I've marked as Exhibit 39 what	15:00:01
20	I'll represent to you is a screenshot of my	15:00:05
21	computer when reviewing what -- the native file of	15:00:12
22	what's been marked as Exhibit 38. And I apologize	15:00:15
23	for just taking a screenshot of my computer, but	15:00:39
24	this was only produced by UMC on Tuesday, and we	15:00:41
25	only received it yesterday, so that's why	15:00:44

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Transcript of JT Ho

Conducted on July 12, 2018

102

1	I prepared this.	15:00:47
2	If you look under the "Related dates"	15:00:49
3	heading on the right side, it says "Last modified:	15:00:51
4	March 16, 2017", "Created: March 16, 2017". Do	15:00:55
5	you see that?	15:01:00
6	A. Yes.	15:01:43
7	Q. Do you know if this document was in fact	15:01:44
8	created in March of 2017?	15:01:46
9	A. I do not know.	15:01:58
10	Q. Underneath "Related dates", it says,	15:02:06
11	"Related people". And there's an author name with	15:02:08
12	Chinese characters. Do you see that?	15:02:17
13	A. Yes.	15:02:26
14	Q. I know this is very small print, but are	15:02:26
15	you able to read for me what the name is of the	15:02:29
16	author identified there?	15:02:31
17	A. Chang Guo.	15:02:41
18	THE MAIN INTERPRETER: Interpreter	15:02:51
19	spelling, C-h-a-n-g G-u-o.	15:02:52
20	BY MR. MICHAEL:	15:02:57
21	Q. Is that the complete name?	15:02:57
22	A. I do not know. I don't know this person.	15:03:05
23	Q. But is Chang Guo this person's complete	15:03:08
24	and full name?	15:03:11
25	A. I suppose it could be, because sometimes	15:03:18

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Transcript of JT Ho

Conducted on July 12, 2018

103

1	a Chinese name may have just one character for his	15:03:23
2	first name, or two characters for his or her first	15:03:26
3	name.	15:03:29
4	Q. Okay. And is it the same name underneath	15:03:30
5	where it says, "Last modified"?	15:03:34
6	A. Yes.	15:03:45
7	[REDACTED]	15:03:46
8	[REDACTED]	15:03:49
9	[REDACTED]	15:04:06
10	[REDACTED]	15:04:10
11	[REDACTED] [REDACTED] [REDACTED]	15:04:27
12	[REDACTED]	15:04:29
13	[REDACTED] [REDACTED]	15:04:38
14	[REDACTED]	15:04:38
15	[REDACTED]	15:04:45
16	[REDACTED]	15:04:48
17	[REDACTED]	15:04:56
18	[REDACTED]	15:04:57
19	[REDACTED]	15:05:05
20	[REDACTED]	15:05:07
21	[REDACTED] [REDACTED]	15:05:27
22	[REDACTED]	15:05:32
23	[REDACTED] [REDACTED]	15:05:36
24	[REDACTED] [REDACTED]	15:05:49
25	[REDACTED]	15:05:56

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Transcript of JT Ho

Conducted on July 12, 2018

104

1	[REDACTED]	15:06:03
2	[REDACTED]	15:06:11
3	[REDACTED]	15:06:12
4	[REDACTED]	15:06:12
5	[REDACTED]	15:06:19
6	[REDACTED]	15:06:26
7	[REDACTED]	15:06:26
8	[REDACTED]	15:06:29
9	[REDACTED]	15:06:34
10	[REDACTED]	15:06:54
11	Q. Mr. Ho, can I have you refer back to	15:06:56
12	Exhibit 1 -- I'm sorry, the first exhibit we	15:06:58
13	looked at today, which is Exhibit 34. If you	15:07:02
14	could turn to page 5 in that document. Topic 3	15:07:13
15	is:	15:07:32
16	"Effort by UMC and/or any present or	15:07:32
17	former UMC agent or employee to access, view,	15:07:38
18	download or otherwise obtain any documents from	15:07:42
19	Micron's servers ..."	15:07:46
20	And it continues on. Do you see that?	15:07:48
21	A. Yes.	15:08:11
22	Q. What did you uncover while you were	15:08:11
23	investigating topic number 3, if anything?	15:08:14
24	A. The company has conducted the trainings	15:08:42
25	to train people to know that we are not supposed	15:08:45

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Transcript of JT Ho

Conducted on July 12, 2018

105

1	to bring outside information into the company.	15:08:47
2	THE CHECK INTERPRETER: Correction.	15:08:54
3	"The company has conducted training for	15:08:55
4	a long time to train people to know that they are	15:08:57
5	not supposed to bring outside materials or	15:09:00
6	information into the company."	15:09:02
7	BY MR. MICHAEL:	15:09:04
8	Q. Did you investigate whether -- strike	15:09:05
9	that.	15:09:07
10	Has anyone at UMC ever accessed Micron's	15:09:08
11	servers to obtain Micron documents?	15:09:11
12	A. Are you referring to someone who is	15:09:32
13	an employee of UMC while he or she has access to	15:09:36
14	a Micron server?	15:09:40
15	Q. I'm asking if you are aware if any UMC	15:09:42
16	employees have access to Micron servers to view or	15:09:45
17	obtain Micron documents.	15:09:48
18	A. No.	15:10:02
19	Q. What specific actions did you take to	15:10:02
20	determine that no UMC employees have ever accessed	15:10:04
21	Micron servers to view or obtain Micron documents?	15:10:11
22	A. So one of the things was what I mentioned	15:10:43
23	earlier about the routine training. The other	15:10:45
24	thing is that the executives in meetings would	15:10:47
25	repeatedly emphasize that we should not look at	15:10:51

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Transcript of JT Ho

Conducted on July 12, 2018

106

1	information from Micron. Because in the very	15:10:56
2	beginning, when we decided to start the DRAM	15:11:08
3	project, we have already decided to	15:11:11
4	reverse-engineer Samsung's structure --	15:11:13
5	THE CHECK INTERPRETER: "And layout."	15:11:18
6	A. -- and layout. Because the layout and	15:11:23
7	structure are different. Because they are	15:11:29
8	different, so we cannot use directly. And it is	15:11:32
9	also the company's policy to not use any USB	15:11:45
10	drive. And we are not able to link to our	15:11:49
11	personal email outside of the company through the	15:12:03
12	intranet of the company. We also have no access	15:12:06
13	to the external cloud hard drive through the	15:12:16
14	internal intranet, or any external blogs. Also,	15:12:19
15	the company does not allow us to bring into the	15:12:38
16	company any devices that have the ability of	15:12:41
17	access or camera.	15:12:44
18	For example, I can use my cell phone to	15:12:58
19	take pictures. There's a camera on my cell phone.	15:13:04
20	But there's an app installed on my phone to	15:13:09
21	monitor. Once I'm in the company, the app would	15:13:13
22	turn off the camera function. The security guard	15:13:16
23	of the company also do random checks to see if you	15:13:25
24	have this application installed on the phone.	15:13:29
25	If anything else, I will add information	15:13:45

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Transcript of JT Ho

Conducted on July 12, 2018

107

1	to you once it comes to me.	15:13:48
2	BY MR. MICHAEL:	15:13:53
3	Q. So I appreciate that you've identified	15:13:53
4	for me some of Micron's policies.	15:13:57
5	MR. JOHNSON: Objection. Misstates the	15:14:00
6	evidence.	15:14:01
7	BY MR. MICHAEL:	15:14:05
8	Q. I appreciate that you've identified for	15:14:05
9	me some of UMC's policies. My question to you is,	15:14:08
10	what specific actions did you take to determine if	15:14:14
11	any UMC employees accessed Micron servers in	15:14:18
12	violation of UMC's policies?	15:14:25
13	MR. JOHNSON: Objection. Asked and	15:14:48
14	answered.	15:14:49
15	You can answer again if you can.	15:14:51
16	A. I cannot ask anyone of the company to do	15:15:04
17	anything. Basically it's a job of the company	15:15:07
18	policy.	15:15:09
19	BY MR. MICHAEL:	15:15:12
20	Q. So you did not do anything to investigate	15:15:12
21	whether UMC employees accessed Micron servers to	15:15:16
22	obtain Micron documents; is that correct?	15:15:22
23	A. Not entirely.	15:15:38
24	Q. What's incorrect about that statement?	15:15:39
25	A. I talked to a few former colleagues. One	15:15:57

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Transcript of JT Ho

Conducted on July 12, 2018

108

1	of them is Chiang Yi Ting.	15:16:00
2	THE MAIN INTERPRETER: Interpreter's	15:16:06
3	spelling, Yi Ting, Y-i T-i-n-g; last name Chiang,	15:16:06
4	C-h-i-a-n-g.	15:16:10
5	A. And a few others that I mentioned earlier	15:16:10
6	this morning. Another one is called Lee Luo Chi.	15:16:12
7	THE MAIN INTERPRETER: Interpreter's	15:16:19
8	spelling, Luo Chi, L-u-o C-h-i, last name Lee,	15:16:19
9	L-e-e.	15:16:20
10	A. I also mentioned two names this morning,	15:16:25
11	Fu Che Lee --	15:16:33
12	THE MAIN INTERPRETER: F-u C-h-e, last	15:16:35
13	name L-e-e.	15:16:36
14	A. -- Ding Bong Chong.	15:16:37
15	THE MAIN INTERPRETER: D-i-n-g B-o-n-g,	15:16:42
16	last name Chung, C-h-u-n-g.	15:16:42
17	A. There's another one called Fang Chia	15:16:43
18	Long.	15:16:50
19	THE MAIN INTERPRETER: C-h-i-a L-o-n-g,	15:16:51
20	last name Fang, F-a-n-g.	15:16:51
21	A. These people were once Micron employees	15:16:51
22	and they are currently UMC employees. They are	15:17:02
23	also involved in the DRAM project. I talked to	15:17:06
24	them about the practice differences between Micron	15:17:17
25	and UMC. As I mentioned earlier, UMC had all	15:17:22

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Transcript of JT Ho

Conducted on July 12, 2018

109

1	these limitations or company policies whereas	15:17:34
2	Micron doesn't. At Micron, we were free to use	15:17:37
3	a USB drive. There was only one limitation.	15:17:46
4	There was a junior engineer who joined Micron	15:18:02
5	after I left Micron.	15:18:05
6	THE CHECK INTERPRETER: "One year after	15:18:08
7	I left Micron."	15:18:09
8	A. One year, I left Micron. This junior	15:18:11
9	engineer said that Micron back then did not allow	15:18:15
10	the use of USB. And he also said that during --	15:18:19
11	at that time, when he was with Micron, Micron did	15:18:41
12	not allow the employees to bring in an iPad or	15:18:44
13	a MacBook of Apple. But when I was with Micron,	15:18:49
14	it was allowed. We can bring in those devices and	15:18:55
15	connect the devices to the intranet of the	15:19:09
16	company. And we could also use our own cell	15:19:12
17	phone, MacBook and iPad to remotely control our	15:19:23
18	computer at the company.	15:19:27
19	But the junior engineer who joined Micron	15:19:28
20	one year after I left Micron told me that during	15:19:33
21	that time, it was not allowed anymore. But he	15:19:36
22	told me that even though he joined Micron one year	15:19:57
23	later, after I left Micron, it was still allowed	15:20:00
24	for the employees to connect using a company	15:20:02
25	account to outside, for example, Google Drive or	15:20:08

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USD-0351770

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Transcript of JT Ho

Conducted on July 12, 2018

110

1	Google Mail and Yahoo Mail.	15:20:14
2	And I asked these people if we are	15:20:26
3	allowed at UMC to bring in external information	15:20:28
4	into the company using these ways. I asked these	15:20:31
5	people at UMC to see if we could still use these	15:20:39
6	ways to bring in external information.	15:20:44
7	THE CHECK INTERPRETER: Correction.	15:20:47
8	"I asked these people at UMC if it was	15:20:47
9	still possible to use these ways to bring in	15:20:50
10	external information."	15:20:53
11	A. The answer was no. The only way was to	15:21:11
12	use an email to email in this external information	15:21:15
13	in to the company. Otherwise there would be no	15:21:18
14	other ways to do that.	15:21:21
15	So this is a part of what I did in terms	15:21:24
16	of investigation.	15:21:28
17	BY MR. MICHAEL:	15:21:30
18	Q. But micron has a policy that its	15:21:30
19	departing employees are not to take with them	15:21:33
20	Micron confidential information when they leave	15:21:38
21	Micron; correct?	15:21:40
22	A. Yes.	15:21:52
23	Q. And when you left Micron, you took Micron	15:21:52
24	confidential information in violation of that	15:21:56
25	policy; correct?	15:21:58

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Transcript of JT Ho

Conducted on July 12, 2018

111

1	[REDACTED]	15:22:07
2	[REDACTED]	15:22:08
3	[REDACTED]	15:22:11
4	[REDACTED]	15:22:22
5	[REDACTED]	15:22:22
6	[REDACTED]	15:22:25
7	[REDACTED]	15:22:30
8	[REDACTED]	15:22:51
9	[REDACTED]	15:22:54
10	[REDACTED]	15:22:57
11	[REDACTED]	15:23:09
12	[REDACTED]	15:23:12
13	[REDACTED]	15:23:16
14	Q. While you were employed at UMC, did you	15:23:34
15	review and access Micron information that you had	15:23:37
16	on your external drives in locations outside of	15:23:42
17	UMC's facilities?	15:23:48
18	A. Yes. On my personal external drive and	15:24:24
19	hard disk drive.	15:24:29
20	Q. And you thought that was okay because you	15:24:34
21	were in your apartment? Is that what your	15:24:36
22	testimony is?	15:24:39
23	MR. JOHNSON: Objection. Argumentative.	15:24:42
24	A. Before the prosecutor of Taiwan came to	15:25:03
25	catch me, I thought I did not violate the law,	15:25:09

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Transcript of JT Ho

Conducted on July 12, 2018

112

1	reading this information. I thought I would	15:25:20
2	violate the law only if I used these technologies.	15:25:29
3	But the prosecutor told me otherwise.	15:25:38
4	[REDACTED]	15:26:16
5	[REDACTED]	15:26:19
6	[REDACTED]	15:26:22
7	[REDACTED]	15:26:25
8	[REDACTED]	15:26:32
9	[REDACTED]	15:26:39
10	[REDACTED]	15:26:43
11	[REDACTED]	15:26:46
12	[REDACTED]	15:26:47
13	[REDACTED]	15:26:48
14	[REDACTED]	15:26:50
15	[REDACTED]	15:26:55
16	[REDACTED]	15:27:05
17	[REDACTED]	15:27:08
18	[REDACTED]	15:27:13
19	[REDACTED]	15:27:14
20	[REDACTED]	15:27:15
21	[REDACTED]	15:27:17
22	A. So originally, I thought I did not	15:27:21
23	violate any laws.	15:27:25
24	MR. JOHNSON: Let's take a break.	15:27:48
25	A. So initially when we had the discussions	15:27:49

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Transcript of JT Ho

Conducted on July 12, 2018

113

1	with our colleagues, we also had these concerns.	15:27:51
2	We were afraid.	15:27:55
3	THE VIDEOGRAPHER: We are going off the	15:27:57
4	record. The time is 3:27 p.m.	15:27:58
5	(Break taken)	15:28:01
6	THE VIDEOGRAPHER: We are back on the	15:40:27
7	record. The time is 3:40 p.m.	15:40:28
8	THE WITNESS: Shall I continue my answer	15:40:33
9	before the break?	15:40:35
10	BY MR. MICHAEL:	15:40:36
11	Q. If you have more to add, you can	15:40:38
12	continue.	15:40:39
13	A. So in the beginning when we discussed	15:40:55
14	what type of DRAM that we wanted to do, we had	15:40:57
15	already decided to go to Samsung, to	15:41:01
16	reverse-engineer Samsung's structure and layout.	15:41:04
17	Before the team came to a conclusion or	15:41:12
18	a consensus, I had some private discussions and	15:41:15
19	some complaints with my colleagues. We are	15:41:25
20	concerned that if we were to go for Micron's	15:41:33
21	layout and structure, if that would be the	15:41:37
22	conclusion of the team, then I would resign and	15:41:46
23	then just leave the company and quit my job at	15:41:50
24	UMC. But very quickly after that, the team had	15:41:52
25	a conclusion which was to go for Samsung's	15:42:08

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Transcript of JT Ho

Conducted on July 12, 2018

114

1 structure and layout instead of those of Micron. 15:42:13

2 So since the beginning of the project, we 15:42:24

3 have decided to go for Samsung's structure and 15:42:26

4 layout for our development. 15:42:29

5 THE CHECK INTERPRETER: Correction. 15:42:32

6 "So since the beginning of the project, 15:42:33

7 we have decided to conduct the development by 15:42:36

8 reverse-engineering Samsung." 15:42:40

9 A. So I had always believed that I did not 15:42:45

10 break any laws. But the prosecutor caught me and 15:42:47

11 accused me of stealing Micron's information. 15:42:56

12 That's it. 15:43:02

13 BY MR. MICHAEL: 15:43:04

14 Q. Are there former Samsung employees on 15:43:07

15 UMC's DRAM team? 15:43:12

16 A. There are two. Actually, there are 15:43:20

17 three. 15:43:23

18 Q. Where are they located? 15:43:24

19 A. You mean now? 15:43:30

20 Q. Yes. 15:43:32

21 A. Two of them are still in this project. 15:43:38

22 The third one quit and then went to work for 15:43:47

23 a different company. 15:43:50

24 Q. The two that are in the project, are they 15:43:53

25 located in Taiwan? 15:43:56

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Transcript of JT Ho

Conducted on July 12, 2018

115

1	A. Yes.	15:44:00
2	Q. And what are the names of the two current	15:44:03
3	UMC employees who are former Samsung employees on	15:44:05
4	the DRAM team?	15:44:09
5	A. One of them is called Woody, W-o-o-d-y.	15:44:22
6	The other one -- for example, I'm in the area of	15:44:52
7	process integration, and this person is in the	15:44:56
8	area of process, and I do not recall his name.	15:44:59
9	I think his Chinese name might have been Lee Jing	15:45:01
10	something, but I do not recall.	15:45:10
11	Now it comes to me. His name is Lee	15:45:13
12	Jing Yi, last name Lee.	15:45:15
13	THE MAIN INTERPRETER: J-i-n-g Y-i, last	15:45:19
14	name Lee, L-e-e.	15:45:19
15	A. This is the Chinese pronunciation of	15:45:23
16	a Korean name. So basically Lee Jing Yi is	15:45:25
17	a Korean name.	15:45:30
18	BY MR. MICHAEL:	15:45:33
19	Q. The first individual, Woody, is that	15:45:33
20	a first name or a last name? Is there more to	15:45:36
21	that individual's name?	15:45:40
22	A. It's his first name.	15:45:47
23	Q. What is this last name?	15:45:49
24	A. Might be Lee, L-e-e.	15:45:59
25	Q. And the third former Samsung employee who	15:46:05

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USD-0351776

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Transcript of JT Ho

Conducted on July 12, 2018

116

1	quit UMC, what was that individual's name?	15:46:08
2	A. Jacob.	15:46:26
3	Q. What was Jacob's last name?	15:46:31
4	A. Hsu, H-s-u. But it would be a different	15:46:37
5	pronunciation in Korean.	15:46:47
6	Q. And what company did Mr. Hsu go to work	15:46:51
7	for?	15:46:54
8	A. I heard he went to the case in Hefei.	15:47:06
9	THE MAIN INTERPRETER: H-e-f-e-i.	15:47:12
10	A. Another DRAM project in Hefei.	15:47:15
11	BY MR. MICHAEL:	15:47:17
12	Q. I'm unfamiliar with Hefei. Is that	15:47:22
13	a location or is that a company?	15:47:25
14	A. It's the name of a Chinese city, in	15:47:34
15	China.	15:47:37
16	Q. Do you know the name of the company	15:47:38
17	Mr. Hsu went to work for?	15:47:41
18	A. I heard the name of the company is Hefei	15:47:55
19	Changxin.	15:48:05
20	THE MAIN INTERPRETER: Hefei, H-e-f-e-i,	15:48:10
21	Changxin, C-h-a-n-g-x-i-n.	15:48:15
22	A. (Chinese spoken).	15:48:21
23	BY MR. MICHAEL:	15:48:22
24	Q. Incidentally, Mr. Ho, the DRAM project	15:48:24
25	that you've been referring to, is it your	15:48:28

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Transcript of JT Ho

Conducted on July 12, 2018

117

1	understanding that is the joint DRAM project	15:48:30
2	between UMC and Jinhua?	15:48:33
3	A. No.	15:48:49
4	Q. It's a different DRAM project at UMC?	15:48:50
5	A. It actually has nothing to do with UMC.	15:48:56
6	Q. I'm sorry, I'm talking about the DRAM	15:49:01
7	project that you have been working on at UMC since	15:49:04
8	late 2015, early 2016.	15:49:11
9	A. Okay. I'm currently still in this	15:49:39
10	project.	15:49:42
11	Q. Since December 2015 to today, have you	15:49:43
12	been working exclusively on the DRAM project?	15:49:45
13	A. Yes.	15:49:56
14	Q. And that DRAM project is the joint DRAM	15:49:56
15	project between UMC and Jinhua; correct?	15:50:02
16	THE CHECK INTERPRETER: "(Chinese	15:50:10
17	spoken)".	15:50:10
18	A. I am not sure if I can say that.	15:50:15
19	THE CHECK INTERPRETER: "I'm not sure if	15:50:22
20	I can put it this way."	15:50:23
21	BY MR. MICHAEL:	15:50:26
22	Q. How would you put it?	15:50:26
23	A. Jinhua commissioned UMC to develop, so	15:50:37
24	basically Jinhua pays UMC for development. After	15:50:41
25	the development of UMC, the technology will be	15:50:54

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Transcript of JT Ho

Conducted on July 12, 2018

118

1	sent to Jinhua.	15:50:58
2	THE CHECK INTERPRETER: "The technology	15:51:02
3	will be transferred to Jinhua."	15:51:03
4	A. That is my understanding, so I am not	15:51:14
5	sure if this qualifies or equals to a joint	15:51:17
6	project.	15:51:20
7	BY MR. MICHAEL:	15:51:34
8	Q. Is it correct, Mr. Ho, that the DRAM	15:51:34
9	project you have been working on since December	15:51:37
10	2015 is the UMC DRAM project for which Jinhua is	15:51:40
11	paying UMC to develop DRAM technology?	15:51:49
12	MR. JOHNSON: Objection. Asked and	15:51:53
13	answered now four times.	15:51:54
14	A. Not entirely correct. So Jinhua did not	15:52:22
15	exist until February or March of 2016. The	15:52:45
16	project was established officially in May. That	15:52:49
17	is what I heard. Initially UMC wanted to develop	15:52:53
18	the technologies for multiple parties. It could	15:53:10
19	be for multiple parties. Anyone who is interested	15:53:14
20	could buy the technology from UMC. So when I said	15:53:20
21	"not entirely correct", this is what I meant.	15:53:32
22	Initially when we had these development	15:53:40
23	discussions at the end of December and early	15:53:47
24	January, we did not actually know for whom the	15:53:49
25	development was. We even had a concern that if	15:53:53

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Transcript of JT Ho

Conducted on July 12, 2018

119

1	there was a "whom for" as to develop the	15:53:59
2	technology, then the project would dissolve.	15:54:05
3	So this is it.	15:54:15
4	BY MR. MICHAEL:	15:54:17
5	Q. And since May of 2016, the DRAM project	15:54:17
6	that you've worked on at UMC is the DRAM project	15:54:19
7	that also involves Jinhua; correct?	15:54:22
8	MR. JOHNSON: That's been asked and	15:54:26
9	answered. That's time number 5.	15:54:27
10	A. Jinhua pays UMC. Jinhua pays development	15:54:55
11	money to UMC. And Jinhua needs to rent devices or	15:54:57
12	machines for UMC to use for development.	15:55:07
13	So that was just it.	15:55:14
14	BY MR. MICHAEL:	15:55:17
15	Q. Since May of 2016, have you worked on any	15:55:17
16	DRAM project at UMC that is completely unrelated	15:55:21
17	to Jinhua?	15:55:25
18	A. I really don't know how to put it. When	15:55:56
19	it comes to development, we don't necessarily	15:55:59
20	think about the condition of Jinhua. Our first	15:56:01
21	priority is to have it developed. And of course,	15:56:10
22	we would think about if the product that we	15:56:16
23	develop would be able to be produced at Jinhua.	15:56:19
24	But the first priority is to have it developed.	15:56:28
25	And then we think about if it's possible for us to	15:56:37

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Transcript of JT Ho

Conducted on July 12, 2018

120

1	[REDACTED]	15:56:40
2	[REDACTED]	15:56:45
3	[REDACTED] [REDACTED]	15:56:47
4	[REDACTED]	15:56:49
5	[REDACTED] [REDACTED]	15:57:03
6	[REDACTED]	15:57:05
7	[REDACTED]	15:57:07
8	BY MR. MICHAEL:	15:57:16
9	Q. Who's your boss, Mr. Ho?	15:57:16
10	MR. JOHNSON: Objection. Asked and	15:57:18
11	answered.	15:57:19
12	A. Are you asking now?	15:57:22
13	BY MR. MICHAEL:	15:57:25
14	Q. Yes.	15:57:26
15	A. My current boss is Chen Rong Hua.	15:57:27
16	THE MAIN INTERPRETER: R-o-n-g H-u-a,	15:57:50
17	last name Chen, C-h-e-n.	15:57:50
18	BY MR. MICHAEL:	15:57:50
19	Q. Is that Stephen Chen?	15:57:50
20	A. No.	15:57:52
21	Q. Okay. Does your boss Mr. Chen have	15:57:53
22	an English name?	15:57:56
23	A. (In English) "Huason". I don't know how	15:58:02
24	to correct -- pronounce correctly. Huason?	15:58:04
25	A. Kind of like Watson in Sherlock Holmes.	15:58:18

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Transcript of JT Ho

Conducted on July 12, 2018

121

1	Q. Watson?	15:58:21
2	A. (In English) Yeah, yeah.	15:58:27
3	Q. Who does Watson Chen report to?	15:58:29
4	A. He reports to or his boss is Jason Shih.	15:58:51
5	I suddenly could not recall his Chinese name.	15:58:53
6	Q. And who does Jason Shih report to?	15:58:59
7	A. Stephen, supposedly.	15:59:08
8	Q. And you testified earlier that Stephen	15:59:11
9	Chen is the head of the DRAM project at UMC?	15:59:14
10	A. Yes.	15:59:30
11	THE CHECK INTERPRETER: Jason Shih. The	15:59:31
12	last name should be S-h-i-h, not "X-u".	15:59:36
13	THE COURT REPORTER: Thank you.	15:59:40
14	A. Now his Chinese name came to me. It's	15:59:45
15	Shih Hong Chie.	15:59:52
16	(Court reporter clarification)	16:00:04
17	THE MAIN INTERPRETER: Hong Chie, H-o-n-g	16:00:11
18	C-h-i-e, last name Shih, S-h-i-h.	16:00:11
19	BY MR. MICHAEL:	16:00:13
20	Q. And what was your job position at UMC	16:00:13
21	before March of 2017?	16:00:16
22	MR. JOHNSON: Asked and answered.	16:00:29
23	A. Manager at the department of process	16:00:43
24	integration.	16:00:45
25		

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Transcript of JT Ho
Conducted on July 12, 2018

122

1	BY MR. MICHAEL:	16:01:05
2	Q. And is that the same position that you	16:01:05
3	held when you started at UMC in 2015?	16:01:07
4	A. No.	16:01:25
5	Q. What was the position that you held	16:01:26
6	before you were the manager of process	16:01:28
7	integration?	16:01:30
8	A. Technical manager back then.	16:01:38
9	Q. Okay. So the three positions, just so	16:01:42
10	we're clear, were the technical manager position	16:01:45
11	initially, then you moved on to the department	16:01:47
12	manager for process integration, and then February	16:01:50
13	2017, you moved into the yield engineering	16:01:53
14	position, yield enhancement; correct?	16:01:57
15	A. Yes.	16:02:17
16	Q. Mr. Ho, I know you've given me some	16:02:24
17	testimony on this, but I'd like for you to	16:02:27
18	describe for me as best you can all the ways that	16:02:29
19	you recall how it is that you came into possession	16:02:33
20	of 20,000-plus Micron documents.	16:02:37
21	MR. JOHNSON: The witness testified	16:03:06
22	extensively to all of his activities as they	16:03:07
23	relate to collecting Micron documents.	16:03:09
24	Is there anything else you can add to	16:03:16
25	what you've already said?	16:03:17

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Transcript of JT Ho

Conducted on July 12, 2018

123

1	MR. MICHAEL: Do you want to state	16:03:19
2	an objection?	16:03:20
3	MR. JOHNSON: No, but I mean, you know,	16:03:22
4	I'm not going to sit here and instruct him not to	16:03:22
5	answer, but come on. You've got a transcript.	16:03:25
6	He's spoken chapter and verse about all of his	16:03:29
7	activities starting with TSMC through Powerchip,	16:03:33
8	Rexchip, and Micron.	16:03:38
9	All right. If you want to waste some	16:03:41
10	time, you can waste time.	16:03:42
11	A. Some of the information was created or	16:04:16
12	compiled by myself at work. Some of the	16:04:18
13	information came from the data exchange or	16:04:32
14	information exchange between and among colleagues	16:04:35
15	for the purpose of work.	16:04:38
16	The reason that there was such a large	16:04:59
17	amount of information was because since 2009,	16:05:01
18	I began to be involved in the technology transfer	16:05:06
19	between Elpida and Rexchip. And also when there	16:05:10
20	were important meetings with Elpida regarding	16:05:22
21	information exchange, the company would send me to	16:05:26
22	Japan to attend these meetings. So since 2009,	16:05:29
23	2010, all the way to the time when we became part	16:05:43
24	of Micron, I made about 20 trips to Japan. So	16:05:48
25	whenever there was a meeting in Japan about	16:06:05

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Transcript of JT Ho

Conducted on July 12, 2018

124

1	technology transfer, I would have this USB drive,	16:06:07
2	and then the engineer in Japan would copy their	16:06:11
3	draft to the USB drive.	16:06:15
4	For regular technology transfer, it	16:06:17
5	actually has to go through an official channel.	16:06:30
6	The file that comes through that channel would	16:06:38
7	come with a document series number. These	16:06:42
8	official documents that come with a series number	16:06:53
9	are encrypted and cannot be edited. So that would	16:06:56
10	be very inconvenient for us engineers to work. So	16:07:03
11	my role back then was there on behalf of Rexchip,	16:07:19
12	so I would go there to ask for the technology	16:07:23
13	transfer documents which were in draft version,	16:07:26
14	covering the ranges of design, process integration	16:07:30
15	and testing, basically all the information.	16:07:42
16	So that explains why I had in possession	16:07:52
17	such a large amount of information.	16:07:55
18	So when I came back to the company,	16:08:07
19	I would then copy the information to the public	16:08:08
20	drive of the company. And naturally, my personal	16:08:11
21	drive would have this information.	16:08:20
22	So most parts of the files or	16:08:27
23	information came this way.	16:08:32
24	BY MR. MICHAEL:	16:08:52
25	Q. And can you describe for me the type of	16:08:53

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Transcript of JT Ho

Conducted on July 12, 2018

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1 information that would be contained in a process 16:08:55
2 traveler while you were at Micron? 16:08:58

3 A. Process traveler is just a flow. For us 16:09:26
4 to create a DRAM, it requires maybe 500 processes 16:09:34
5 or steps. According to the definition of 16:09:39
6 a traveler at Micron, a traveler defines or 16:09:49
7 organizes the sequence of these 500 steps. So 16:09:53
8 sometimes when someone organizes the data, they 16:10:09
9 probably just approach the data in this very 16:10:12
10 simple way. And sometimes they would correlate 16:10:16
11 the steps to the devices or machines that will be 16:10:29
12 used, using the code numbers or the codes of these 16:10:34
13 devices or machines. And for some others, they 16:10:39
14 would also add in the description of these steps 16:10:52
15 or processes. 16:10:54

16 So depending on the purpose of the 16:11:03
17 documents that they created, there would be 16:11:06
18 different versions or formats of these documents. 16:11:11

19 Q. Does UMC maintain a document that's the 16:11:16
20 equivalent to what Micron called a process 16:11:20
21 traveler? 16:11:22

22 A. Yes. 16:11:34

23 Q. What is that document called at UMC? 16:11:35

24 MR. JOHNSON: I'm going to object. If 16:11:40
25 that information is confidential then I don't want 16:11:41

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Transcript of JT Ho

Conducted on July 12, 2018

126

1	you to impart it. It's also not relevant.	16:11:48
2	A. So should I answer the question?	16:12:02
3	BY MR. MICHAEL:	16:12:06
4	Q. You can answer the question.	16:12:06
5	A. But then can I not answer the question?	16:12:08
6	Q. No, there's not been an instruction by	16:12:11
7	your counsel. We have a protective order in place	16:12:14
8	that covers confidentiality --	16:12:16
9	MR. JOHNSON: Well, there's no --	16:12:20
10	MR. MICHAEL: Excuse me. I want to know	16:12:21
11	the name of the UMC document that contains the	16:12:23
12	process flow for all the steps for manufacturing	16:12:25
13	DRAM that is equivalent in nature to the process	16:12:28
14	traveler at Micron.	16:12:30
15	MR. JOHNSON: And I said if that is	16:12:32
16	considered confidential information, I'm	16:12:33
17	instructing you not to answer.	16:12:35
18	THE CHECK INTERPRETER: "(Chinese	16:13:18
19	spoken)".	16:13:18
20	A. Then I choose not to answer.	16:13:24
21	MR. MICHAEL: So we're clear, counsel,	16:13:27
22	I'm designating the entire transcript here today	16:13:29
23	highly confidential and attorneys' eyes only under	16:13:31
24	the protective order. Are you maintaining your	16:13:34
25	instruction not to answer?	16:13:37

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Conducted on July 12, 2018

127

1	MR. JOHNSON: Absolutely. You came here	16:13:40
2	with specific topics to ask about. I provided	16:13:41
3	wide latitude because I felt we're 8,000 miles	16:13:44
4	away. But now this has turned into a full-blown	16:13:48
5	"I'm going to discover everything there is to know	16:13:53
6	about HMC -- "UMC", excuse me. That is not what	16:13:55
7	we're here today for. You've asked about every	16:13:59
8	document, you've asked about recruiting, you've	16:14:03
9	asked him about his personal activity, and there	16:14:04
10	is nothing at this point that relates to	16:14:06
11	confidential information concerning my client that	16:14:09
12	I believe is appropriate or suitable for this	16:14:12
13	deposition, so I'm instructing him not to answer.	16:14:14
14	Take it up with the court.	16:14:18
15	MR. MICHAEL: We'll take it up with the	16:14:22
16	court.	16:14:24
17	BY MR. MICHAEL:	16:14:24
18	[REDACTED]	16:14:24
19	[REDACTED]	16:14:27
20	[REDACTED]	16:14:30
21	[REDACTED]	16:14:33
22	[REDACTED] [REDACTED]	16:14:56
23	[REDACTED]	16:14:56
24	[REDACTED] [REDACTED]	16:15:02
25		

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Conducted on July 12, 2018

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1	[REDACTED]	16:15:03
2	[REDACTED]	16:15:04
3	[REDACTED]	16:15:06
4	[REDACTED]	16:15:09
5	[REDACTED]	16:15:13
6	[REDACTED]	16:15:26
7	[REDACTED]	16:15:27
8	[REDACTED]	16:15:32
9	[REDACTED]	16:15:35
10	[REDACTED]	16:15:39
11	[REDACTED]	16:15:56
12	[REDACTED]	16:15:58
13	[REDACTED]	16:16:00
14	[REDACTED]	16:16:03
15	[REDACTED]	16:16:07
16	[REDACTED]	16:16:21
17	[REDACTED]	16:16:29
18	[REDACTED]	16:16:33
19	[REDACTED]	16:16:39
20	[REDACTED]	16:16:53
21	MR. MICHAEL: You want to maintain your	16:16:54
22	instruction, Dan?	16:16:55
23	MR. JOHNSON: Absolutely.	16:16:57
24	MR. MICHAEL: I can imagine why you	16:17:02
25	wouldn't want us to know the name of that	16:17:04

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1	document.	16:17:06
2	MR. JOHNSON: No, I don't think you can.	16:17:07
3	MR. MICHAEL: I can.	16:17:12
4	MR. JOHNSON: I think you're still	16:17:13
5	fantasizing about the so-called claim that we	16:17:14
6	copied Micron.	16:17:17
7	(Exhibit 40 marked for identification - US patent	16:17:41
8	number 9,679,901)	16:17:41
9	BY MR. MICHAEL:	16:17:43
10	Q. Mr. Ho, I have a couple of questions on	16:17:44
11	these documents.	16:17:46
12	I've marked as Exhibit 40 what is	16:17:47
13	identified to be US patent number 9,679,901.	16:17:49
14	Mr. Ho, I'd ask you to look at -- on the front	16:17:56
15	cover page, there are names of various inventors.	16:17:59
16	A. Yes, I saw that.	16:18:23
17	Q. And are you a named inventor on the '901	16:18:25
18	patent that we've marked as Exhibit 40?	16:18:30
19	A. Yes.	16:18:39
20	Q. You're the second inventor listed; is	16:18:40
21	that correct?	16:18:43
22	A. Yes.	16:18:46
23	Q. The other inventors that are listed, are	16:18:48
24	they all UMC employees, if you know?	16:18:51
25	A. I can recognize some of them, but	16:19:08

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Transcript of JT Ho

Conducted on July 12, 2018

130

1	I cannot recognize the others by looking at their	16:19:10
2	English names.	16:19:14
3	Q. Can you tell me which of the inventor	16:19:16
4	names that you recognize who are UMC employees?	16:19:19
5	A. The first one, Wang Ying Chiao, but this	16:19:33
6	person has already left. The second one is me, Ho	16:19:37
7	Chien Ting. The third one is Jung Le Tien. The	16:19:45
8	fourth one is Tzou Shih Fang. I don't know the	16:19:51
9	last two.	16:19:57
10	Now I know the one to the last is Lin	16:20:02
11	Chin Lung. I don't recognize the very last one.	16:20:05
12	Q. The other four individuals that you	16:20:15
13	identified are all UMC employees; is that right?	16:20:16
14	A. Yes.	16:20:24
15	Q. Are any of them former Micron employees?	16:20:25
16	A. Only me.	16:20:32
17	(Exhibit 41 marked for identification - US patent	16:20:53
18	number 9,773,790)	16:20:53
19	BY MR. MICHAEL:	16:21:05
20	Q. Mr. Ho, we've marked as Exhibit 41 to	16:21:06
21	your deposition a United States patent, patent	16:21:08
22	number 9,773,790.	16:21:12
23	Again, Mr. Ho, I have a similar line of	16:21:16
24	questions, so if you could take a look at the	16:21:20
25	inventors on the '790 patent.	16:21:22

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Conducted on July 12, 2018

131

1	Mr. Ho, you are the first-named inventor	16:21:49
2	on patent; is that correct?	16:21:52
3	A. Yes, I am the first one. Yes.	16:22:01
4	Q. Li Wei Feng. Is Mr. Feng a UMC employee?	16:22:04
5	A. Yes.	16:22:18
6	Q. And Mr. Lin, is Mr. Lin a UMC employee?	16:22:21
7	A. I actually do not recognize him. I'm not	16:22:35
8	sure who he is.	16:22:38
9	Q. And I believe you already identified	16:22:41
10	Mr. Wang as a UMC employee; is that correct?	16:22:44
11	A. Yes, he used to be an employee of UMC.	16:22:51
12	Q. To your knowledge, is Mr. Feng or Mr. Lin	16:22:57
13	former employees of Micron?	16:23:03
14	A. No. I do not know who Mr. Lin is, so	16:23:08
15	there's no way for me to make that judgment.	16:23:26
16	(Exhibit 42 marked for identification - US patent	16:23:35
17	number 9,859,283)	16:23:35
18	BY MR. MICHAEL:	16:23:49
19	Q. Mr. Ho, we have marked as Exhibit 42	16:23:49
20	United States patent number 9,859,283.	16:23:59
21	Can you confirm for me, Mr. Ho, that you	16:24:09
22	are a named inventor on the '283 patent that we've	16:24:11
23	marked as Exhibit 42?	16:24:15
24	A. Yes.	16:24:28
25	Q. Mr. Yu Cheng Tung, is Mr. Tung a UMC	16:24:32

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Transcript of JT Ho

Conducted on July 12, 2018

132

1	employee?	16:24:40
2	A. Yes, Tung Yu Cheng is a UMC employee.	16:24:44
3	Q. And do you know if Mr. Tung is a former	16:24:51
4	Micron employee or not?	16:25:00
5	A. I suppose not.	16:25:02
6	Q. He's not, or you don't know?	16:25:05
7	A. I do not know.	16:25:16
8	(Exhibit 43 marked for identification - US patent	16:25:26
9	number 9,929,162)	16:25:26
10	BY MR. MICHAEL:	16:25:45
11	Q. Mr. Ho, Exhibit 43 has been marked and is	16:25:45
12	United States patent 9,929,162.	16:25:49
13	You are the last-named inventor on this	16:26:02
14	patent; correct?	16:26:06
15	A. Yes.	16:26:11
16	Q. I think we've covered all the other	16:26:22
17	inventors already on earlier patents. That's my	16:26:24
18	only question, Mr. Ho.	16:26:28
19	(Exhibit 44 marked for identification - US patent	16:26:48
20	number 9,960,167)	16:26:48
21	BY MR. MICHAEL:	16:27:01
22	Q. Mr. Ho, we've marked as Exhibit 44,	16:27:02
23	United States patent number 9,960,167.	16:27:05
24	Can you confirm for me that you are the	16:27:09
25	first-named inventor on the '167 patent?	16:27:12

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Transcript of JT Ho

Conducted on July 12, 2018

133

1	A. Yes.	16:27:33
2	Q. I think we've talked about the names of	16:27:47
3	the other inventors on earlier patents; correct?	16:27:50
4	A. Yes.	16:28:00
5	(Exhibit 45 marked for identification - US patent	16:28:14
6	application number 15/384,940)	16:28:14
7	BY MR. MICHAEL:	16:28:22
8	Q. Mr. Ho, I've marked as Exhibit number 45	16:28:25
9	a United States patent application. It's	16:28:28
10	application number 15/384,940. It contains the	16:28:33
11	publication number US2018/0108563.	16:28:39
12	Mr. Ho, you are the fifth-named inventor	16:29:09
13	on this patent; correct?	16:29:11
14	A. Yes.	16:29:18
15	Q. I think we have some new names on the	16:29:20
16	other inventors, so I'm just going to walk through	16:29:22
17	them one at a time.	16:29:25
18	The first inventor is Mr. Chen. Is	16:29:27
19	Mr. Chen a UMC employee?	16:29:30
20	A. Yes, Chen Chen Te (sic) is a UMC	16:29:48
21	employee.	16:29:52
22	THE MAIN INTERPRETER: Interpreter	16:29:54
23	correction.	16:29:55
24	"Chen Chieh Te is a UMC employee."	16:29:55
25		

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Transcript of JT Ho

Conducted on July 12, 2018

134

1	BY MR. MICHAEL:	16:30:05
2	Q. The second-named inventor, Mr. Chu, is	16:30:06
3	Mr. Chu a UMC employee?	16:30:09
4	A. Yes. He used to work for Rexchip. I'm	16:30:16
5	not sure if he left before Micron acquired Rexchip	16:30:35
6	or after. And he also worked for one of the	16:30:39
7	vendors for a few years, before he joined the	16:30:46
8	project at UMC.	16:30:52
9	Q. Mr. Kuo? Am I pronouncing that	16:30:58
10	correctly, the third inventor? Is Mr. Kuo a UMC	16:31:01
11	employee?	16:31:05
12	A. Yes, Kuo Ming Feng is a UMC employee.	16:31:10
13	But Mr. Kuo has a very similar background as	16:31:19
14	Mr. Chu that I mentioned earlier.	16:31:24
15	Q. Mr. Kuo also was formerly employed at	16:31:29
16	Rexchip?	16:31:33
17	A. Yes.	16:31:34
18	Q. Fu Che Lee, that's Mr. Neil Lee that you	16:31:36
19	mentioned earlier today; is that correct?	16:31:41
20	A. Yes, it looks like it.	16:31:49
21	Q. And Mr. Lee is a current UMC employee and	16:31:52
22	a former Micron employee; correct?	16:31:55
23	A. Yes.	16:32:03
24	Q. And after your name, there are six	16:32:05
25	additional inventors. Are all of the remaining	16:32:07

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Transcript of JT Ho

Conducted on July 12, 2018

135

1	inventors current UMC employees?	16:32:11
2	A. I can recognize some of them, but	16:32:47
3	I cannot recognize the others.	16:32:48
4	Q. Which ones do you recognize to be UMC	16:32:50
5	employees?	16:32:52
6	A. Chang Feng Yi, Mr. Chang. Then Chen Yi	16:32:54
7	Wang (sic), who is also a UMC employee.	16:33:22
8	THE CHECK INTERPRETER: Z-h-a-n.	16:33:26
9	A. It says "Z-h-a-n" in the document. His	16:33:26
10	background is the same as Hsu and Guo.	16:33:40
11	BY MR. MICHAEL:	16:33:49
12	Q. Meaning former Rexchip employee?	16:33:53
13	A. Yes. And then he changed to work for one	16:33:55
14	of the vendors for a few years before he joined	16:33:57
15	the UMC DRAM project.	16:34:00
16	Q. And you're referring to Mr. Zhan, the	16:34:07
17	name referred to, Z-h-a-n?	16:34:10
18	A. Yes.	16:34:17
19	Q. Okay. What about the last three	16:34:22
20	inventors, are they UMC employees?	16:34:23
21	A. Chen Li Chiang is a UMC employee. And	16:34:29
22	then Tsai Chien Cheng, who is a UMC employee and	16:34:43
23	who used to be a Micron employee.	16:34:48
24	I don't know how to pronounce the name of	16:34:51
25	the very last one.	16:34:59

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Transcript of JT Ho

Conducted on July 12, 2018

136

1	Q. You don't know if the last-named inventor	16:35:04
2	is a UMC employee or not?	16:35:07
3	A. I cannot tell.	16:35:16
4	MR. MICHAEL: It's a little bit after	16:35:25
5	4.30. Why don't we take a break? We'll wrap up	16:35:26
6	on the next session.	16:35:30
7	THE VIDEOGRAPHER: We are going off the	16:35:33
8	record. The time is 4:35 p.m.	16:35:34
9	(Break taken)	16:35:36
10	THE VIDEOGRAPHER: We are back on the	16:48:07
11	record. The time is 4:48 p.m.	16:48:08
12	(Exhibit 46 marked for identification - 32-page	16:48:11
13	printout of Line text communications)	16:48:11
14	BY MR. MICHAEL:	16:48:12
15	Q. Mr. Ho, we've marked as Exhibit 46	16:48:13
16	a 32-page document which we understand to be	16:48:17
17	a history of Line text communications between	16:48:25
18	yourself and Mr. Kenny Wang. It has a "date	16:48:31
19	stored" date on the top left side of the document	16:48:37
20	which looks like February 13, 2017.	16:48:42
21	A. Yes.	16:49:12
22	Q. Mr. Ho, have you seen this document	16:49:14
23	before?	16:49:15
24	A. Yes, I saw this document in the court of	16:49:32
25	Taiwan. The judge back then asked us to identify	16:49:35

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Transcript of JT Ho

Conducted on July 12, 2018

137

1	if there was any confidential information of	16:49:39
2	Micron or any confidential information of UMC in	16:49:42
3	the communication.	16:49:46
4	Q. Does this document in fact represent	16:49:48
5	a true and accurate history of your text	16:49:52
6	conversation with Kenny Wang from December 25,	16:49:57
7	2015 through February 4, 2017?	16:50:05
8	MR. JOHNSON: Objection. Lack of	16:50:24
9	foundation. No evidence he prepared this	16:50:25
10	document.	16:50:27
11	A. So what is your question again?	16:50:39
12	BY MR. MICHAEL:	16:50:41
13	Q. My question is, does this document in	16:50:42
14	fact reflect the actual text communications	16:50:44
15	between you and Kenny Wang?	16:50:48
16	A. If this is a direct printout, then the	16:51:04
17	answer is "Yes".	16:51:07
18	THE CHECK INTERPRETER: "If this is	16:51:10
19	a direct printout from Line, then the answer is	16:51:11
20	yes."	16:51:18
21	(Court reporter clarification)	16:51:19
22	BY MR. MICHAEL:	16:51:21
23	Q. What is Line? Is that a text	16:51:22
24	application?	16:51:24
25	A. Yes.	16:51:30

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Transcript of JT Ho
Conducted on July 12, 2018

138

1	Q. Mr. Ho, I'm going to ask you to try to	16:51:36
2	follow me on this document by way of date and	16:51:39
3	time. If you can turn to the text entry from	16:51:41
4	February 2nd, 2016.	16:51:49
5	A. Okay.	16:52:13
6	Q. Can you read for me the text entries	16:52:13
7	time-stamped 22:17? There's two of them.	16:52:19
8	A. I do not understand. Are you referring	16:52:44
9	to the timestamp of 22:17?	16:52:45
10	Q. Yes.	16:52:50
11	A. So do you want me to read out loud the	16:52:59
12	two lines here?	16:53:01
13	Q. Please.	16:53:02
14	A. "There was no such people with such	16:53:13
15	experience. They only know logics."	16:53:15
16	THE MAIN INTERPRETER: Or "They only know	16:53:19
17	logic."	16:53:23
18	BY MR. MICHAEL:	16:53:24
19	Q. And when you are using "they" in this	16:53:25
20	text, are you referring to UMC?	16:53:28
21	A. Yes. So the paragraph is about the test	16:53:39
22	key for DRAM memory cell. The background of	16:53:55
23	people of UMC is mostly logic test key.	16:54:06
24	(Interpreters/witness clarification)	16:54:26
25	MR. JOHNSON: Test, t-e-s-t.	16:54:41

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Transcript of JT Ho

Conducted on July 12, 2018

139

1	A. Logic test key. Logic device test key.	16:54:41
2	They don't have the DRAM in this recent	16:54:43
3	generation.	16:54:47
4	BY MR. MICHAEL:	16:54:47
5	Q. Understood. Dropping down to February	16:54:53
6	6th, 2016, at 1:05. Same page. Does the end of	16:54:55
7	that sentence say that "They basically know	16:55:16
8	nothing about this field"?	16:55:19
9	A. That is correct. They are inexperienced.	16:55:29
10	Q. And again, "they" is referring to UMC?	16:55:31
11	A. Yes, or people who did not do DRAM at	16:55:48
12	UMC.	16:55:51
13	Q. Turning the page, Mr. Ho, to the text	16:55:53
14	entry at 9:40. It's my understanding there's	16:55:59
15	a reference in this text to "Big S". Do you see	16:56:11
16	that?	16:56:15
17	A. Yes.	16:56:20
18	Q. Who is "Big S"?	16:56:21
19	A. Stephen.	16:56:31
20	Q. Stephen Chen?	16:56:31
21	A. Yes. Do you want me to explain to you	16:56:32
22	what this sentence means?	16:56:42
23	Q. No, not at this point. I just want	16:56:44
24	a couple of clarifications on names and certain	16:56:47
25	items within this.	16:56:49

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Transcript of JT Ho

Conducted on July 12, 2018

140

1	A. But this sentence actually is in favor of	16:57:02
2	me quite a bit.	16:57:06
3	Q. Why is it in favor of you?	16:57:12
4	A. So in this conversation, Wang Yong Ming	16:57:24
5	asked me a question. He asked me for the test key	16:57:25
6	at UMC, "Is it necessary to copy the information	16:57:37
7	before?", meaning is it necessary to copy the	16:57:40
8	information of Micron? My answer is that in terms	16:57:47
9	of the layout of the cell, I am the one to design,	16:57:56
10	and then we together discuss how to design the	16:58:02
11	test key. And then I talked about for the test	16:58:08
12	key of the cell, it requires the layout and our	16:58:24
13	knowledge to design, which means that it was not	16:58:29
14	necessary for us to copy the information before.	16:58:35
15	So this is for the cell part of the DRAM.	16:58:40
16	And for logic, it is mainly the logic of	16:58:48
17	UMC. For the test key, for SA and SWD, we need to	16:58:53
18	work with the design, which is UMI.	16:59:15
19	So that's what this conversation means.	16:59:22
20	And I think it favors me.	16:59:26
21	Q. Thank you, Mr. Ho.	16:59:29
22	Can I ask you to go to the next page,	16:59:31
23	which starts on page 4, February 7, 2016, and	16:59:38
24	continues through the next page at 12:36.	16:59:44
25	A. So which date? Could you give me the	17:00:12

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Transcript of JT Ho

Conducted on July 12, 2018

141

1	date again?	17:00:14
2	Q. Sure. February 7, 12:36. It's about	17:00:17
3	two-thirds of the way up on page 5.	17:00:20
4	A. Page 5 is February the 9th.	17:00:35
5	Okay, I see that.	17:00:49
6	Q. So February 7, 12:36, it looks like	17:00:50
7	there's a reference in that text to "the boss"; is	17:00:53
8	that right?	17:00:56
9	THE CHECK INTERPRETER: "(Chinese	17:01:11
10	spoken)".	17:01:11
11	A. Yes, I think this refers to Stephen.	17:01:14
12	BY MR. MICHAEL:	17:01:18
13	Q. Again, Stephen Chen?	17:01:18
14	A. Yes. So the conversation is about that,	17:01:20
15	when we are hiring people, if this person is not	17:02:14
16	able to be on board right away, because we're	17:02:18
17	working at Tainan and not everybody lives in	17:02:22
18	Tainan. So, for example, if this person's wife	17:02:30
19	disapproves of him coming to Tainan to work, or if	17:02:34
20	there are family members who are ill and need	17:02:38
21	their care, we still welcome people like that, but	17:02:41
22	they can report or be on board later. So I think	17:02:44
23	back then, Wang Yong Ming was already considering	17:02:48
24	joining us.	17:02:54
25	So my advice then was that "You have to	17:03:01

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Transcript of JT Ho

Conducted on July 12, 2018

142

1	think it through yourself, depending on your	17:03:04
2	conditions and situations and your environment, to	17:03:07
3	see if you can join or not." And I asked him to	17:03:11
4	think it through.	17:03:17
5	Q. UMC was actively trying to recruit	17:03:22
6	engineers for its DRAM project around this time	17:03:25
7	period; correct?	17:03:29
8	A. Yes.	17:03:36
9	Q. And you were involved with recruiting	17:03:38
10	Mr. Kenny Wang to join UMC?	17:03:41
11	A. We are friends. And we were in frequent	17:03:54
12	contact with each other. When we were at Micron,	17:04:02
13	Micron asked us to sign a contract, one of which	17:04:14
14	is about deleting the data when we leave Micron.	17:04:22
15	Another one is that after we leave Micron, we are	17:04:39
16	not allowed to actively recruit or help people at	17:04:44
17	Micron to find another job. Because I signed this	17:04:47
18	contract, so I was being careful. So I have never	17:04:57
19	proactively asked Wang Yong Ming to see if he	17:05:07
20	wants to join us or not.	17:05:12
21	I only told him what types of people we	17:05:16
22	need. I asked him to give me some recommended	17:05:18
23	names for me to go to. He gave me some names who	17:05:28
24	are from Huabang and Nanya --	17:05:40
25	THE CHECK INTERPRETER: Winbound.	17:05:44

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Transcript of JT Ho

Conducted on July 12, 2018

143

1	A. -- Winbound, and I contacted those people	17:05:44
2	and they were not interested. Wang Yong Ming has	17:05:52
3	continuously asked me about our condition and	17:06:00
4	situation. And the dialogue back then showed that	17:06:02
5	he himself already had this intention to come.	17:06:10
6	And if you look at the earlier dialogue, on	17:06:25
7	February 7th, he recommended a person called Chen	17:06:28
8	Mong Chien, but I do not know Chen Mong Chien in	17:06:35
9	person. I'm not familiar with him. And then Wang	17:06:42
10	Yong Ming proactively said, "If you still cannot	17:06:45
11	find a person," he would be willing to come here	17:06:49
12	to help. But then he continued to write, saying	17:06:54
13	that his father was not in a good condition, his	17:07:03
14	father had a stroke.	17:07:08
15	(Chinese spoken) --	17:07:09
16	Q. Mr. Ho, I appreciate this, but I do want	17:07:09
17	to move along here today. I know some people have	17:07:14
18	some flights to catch. So let me ask you to do me	17:07:16
19	a favor. Can you go back to page 2, and on	17:07:19
20	January 18th, 2016, there's an entry at 20:22. Do	17:07:32
21	you see that?	17:07:38
22	A. Yes, I saw that. So it's January 18 of	17:07:55
23	2016, 20:22.	17:07:59
24	Q. Can you read that one entry out loud for	17:08:01
25	us, please.	17:08:03

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Transcript of JT Ho

Conducted on July 12, 2018

144

1	A. "I feel that without you, the staffing	17:08:16
2	would be not enough and that the scope would not	17:08:23
3	be enough."	17:08:31
4	Q. Can I ask you to jump ahead to page 12.	17:08:34
5	Actually, go to page 13. Mr. Ho, if you look at	17:08:50
6	the text entry on April 1, 2016, it looks like	17:09:04
7	Mr. Wang provides you with his personal email	17:09:09
8	address. Do you see that?	17:09:11
9	A. Yes.	17:09:23
10	Q. And if you turn the page, to the text	17:09:24
11	that starts on April 2, 2016, and at 23:04, it	17:09:30
12	looks like you provide Mr. Wang the same Gmail	17:09:40
13	address of your personal Gmail that you testified	17:09:47
14	to earlier today. Do you see that?	17:09:50
15	A. I actually didn't see it. So which	17:10:04
16	page and which date?	17:10:07
17	Q. Page 14.	17:10:08
18	A. Okay.	17:10:13
19	Q. Do you see your personal email there?	17:10:14
20	A. Yes.	17:10:19
21	Q. What type of information were you and	17:10:23
22	Mr. Wang exchanging over personal email in early	17:10:25
23	April 2016?	17:10:31
24	THE CHECK INTERPRETER: "(Chinese	17:10:42
25	spoken)".	17:10:42

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Transcript of JT Ho

Conducted on July 12, 2018

145

1 A. I was exchanging -- we were exchanging 17:11:27
2 some [patent]-related information on the (Chinese 17:11:29
3 spoken) of the test key. So not exchange -- I was 17:11:36
4 thinking about a scribe-line patent-related issue 17:11:49
5 back then. 17:11:54
6 (Interpreters/witness clarification) 17:11:55
7 THE COURT REPORTER: I am sorry, can you 17:11:55
8 say that again. 17:11:55
9 THE CHECK INTERPRETER: The witness did 17:12:09
10 not use the word "patent". 17:12:10
11 MR. MICHAEL: It was "pattern"? 17:12:13
12 THE CHECK INTERPRETER: Yeah, maybe 17:12:16
13 "pattern". 17:12:17
14 A. So I was to create a structure of the 17:12:19
15 scribe line. So I was to create a structure on 17:12:22
16 the scribe line. 17:12:31
17 MR. JOHNSON: It's "scribe". 17:12:36
18 S-c-r-i-b-e. 17:12:40
19 A. Scribe line. I found a couple of 17:12:45
20 approaches. However, after some thinking, I feel 17:12:48
21 that all these approaches would come with side 17:12:56
22 effects. So I asked him for his email so I can 17:12:59
23 send him some of my ideas for his advice. So that 17:13:11
24 was the reason I asked him for his email. 17:13:20
25

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Transcript of JT Ho

Conducted on July 12, 2018

146

1	BY MR. MICHAEL:	17:13:24
2	Q. Mr. Ho, did you search, collect and	17:13:25
3	produce your personal email communications with	17:13:27
4	Mr. Wang in connection with this litigation?	17:13:30
5	A. This did not leave any record. I deleted	17:13:54
6	it. The file I sent him might have stored	17:13:57
7	somewhere, but that was -- that is quite	17:14:15
8	impossible, because I was not able to send it. So	17:14:18
9	I think the file is stored at home. I do not	17:14:27
10	recall exactly where it is stored. It was	17:14:31
11	probably -- it was compiled by myself.	17:14:38
12	Q. Compiled for what reason?	17:14:40
13	A. So I wanted to make some structures, but	17:14:58
14	my approaches would have come with side effects.	17:15:01
15	And I have a couple of options to do this.	17:15:08
16	Q. Mr. Ho, I'm going to just -- what I want	17:15:11
17	to know is, do you have still in existence today	17:15:14
18	the email communications between you and Mr. Wang	17:15:22
19	on your Gmail accounts?	17:15:25
20	A. I haven't found them recently.	17:15:39
21	Q. Did you search for them in connection	17:15:46
22	with your testimony here today?	17:15:47
23	A. I did not search for this said document.	17:15:56
24	What I did was I opened by Gmail account and then	17:16:09
25	scanned through the account, and I didn't find	17:16:13

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Transcript of JT Ho

Conducted on July 12, 2018

147

1	this record. I only saw the information that	17:16:16
2	I mentioned earlier this morning, about the	17:16:27
3	photos.	17:16:29
4	Q. Mr. Ho, if you could jump to the entry on	17:16:30
5	June 30th. Let me see if I can find the place.	17:16:39
6	A. Page 21?	17:16:59
7	Q. Page 21, thank you. And the entries on	17:17:00
8	June 30th start on page 21 and continue on to	17:17:08
9	page 22. Starting at line time-stamped 9:43,	17:17:12
10	Mr. Wang is asking you, "Where is Fu Che's	17:17:29
11	computer? Can I borrow it to take a look at the	17:17:38
12	file?" Correct?	17:17:42
13	A. Yes.	17:17:54
14	Q. And you responded that Stephen took	17:17:54
15	Fu Che's computer; correct?	17:17:57
16	A. Yes.	17:18:02
17	Q. And then you respond again at 20:27,	17:18:04
18	stating, "My one is in the gap above the small	17:18:10
19	cabinet." Correct?	17:18:13
20	A. Yes.	17:18:30
21	Q. And again at 10:27, you state that the	17:18:32
22	password for your computer is QWER1234; correct?	17:18:39
23	A. Yes.	17:18:52
24	Q. Can I ask you to turn back to Exhibit 37,	17:19:04
25	and let me know if anywhere in the indictment, and	17:19:15

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Transcript of JT Ho

Conducted on July 12, 2018

148

1	specifically the list of records that were	17:19:20
2	confiscated by the Taiwan prosecutors, if either	17:19:25
3	of the computers referenced on June 30th either	17:19:29
4	Mr. Fu Che's computer or the computer that you	17:19:34
5	were referring to with the password QWER1234 are	17:19:39
6	identified in Exhibit 37.	17:19:47
7	A. I guess this is the one, page 21,	17:21:56
8	table 6, item number 1.	17:22:07
9	Q. That is your computer with password	17:22:14
10	QWER1234?	17:22:16
11	A. I suppose so.	17:22:24
12	Q. You suppose so, or it is?	17:22:26
13	A. I think it is.	17:22:32
14	Q. Did the UMC-issued laptop that you used	17:22:33
15	at UMC contain the password QWER1234, or is that	17:22:40
16	for a separate laptop?	17:22:47
17	A. First of all, the password is not	17:23:10
18	constant. I change it from time to time. So that	17:23:13
19	is how the company computer works. After some	17:23:22
20	time, if you don't change the password, you don't	17:23:25
21	get -- you don't get access to the computer. So	17:23:28
22	I think this computer here is the computer	17:23:37
23	referred to in the dialogue. I suppose so.	17:23:40
24	Q. The dialogue also refers to Fu Che's	17:23:44
25	computer. That's Fu Che Lee; correct?	17:23:47

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Transcript of JT Ho

Conducted on July 12, 2018

149

1	A. I think it's Fu Che Lee, Neil Lee.	17:23:58
2	Q. Was Mr. Fu Che Lee's computer turned over	17:24:03
3	to the Taiwan prosecutors?	17:24:07
4	A. Based on my understanding, no.	17:24:18
5	Q. Why not?	17:24:20
6	MR. JOHNSON: Objection. Calls for	17:24:23
7	speculation.	17:24:24
8	A. For a prosecutor to confiscate or take	17:24:38
9	away something from some person, the prosecutor	17:24:44
10	needs to have an order.	17:24:48
11	THE CHECK INTERPRETER: "Warrant".	17:24:50
12	A. Or a warrant.	17:24:52
13	BY MR. MICHAEL:	17:24:54
14	Q. Did Mr. Fu Che Lee's computer contain	17:24:54
15	Micron documents?	17:24:58
16	MR. JOHNSON: Objection. Calls for	17:25:01
17	speculation.	17:25:02
18	A. I don't think so, because the computer	17:25:07
19	was a public computer, a shared computer. If you	17:25:13
20	need to read your own information, you just use	17:25:19
21	the computer as a medium for you to read. So	17:25:26
22	theoretically, there would be no-one who would	17:25:37
23	store any information to that public or shared	17:25:40
24	computer.	17:25:42
25		

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Transcript of JT Ho

Conducted on July 12, 2018

150

1	BY MR. MICHAEL:	17:25:50
2	Q. Is this a computer that had the USB drive	17:25:51
3	enabled?	17:25:53
4	A. Yes. So the computer reads a USB drive,	17:25:54
5	but the computer does not get to connect to the	17:26:03
6	intranet of the company.	17:26:06
7	Q. Wasn't that in violation of UMC's policy	17:26:08
8	prohibiting use of USB drives?	17:26:11
9	A. That is correct. It is prohibited for	17:26:31
10	a personal computer that gets to connect to the	17:26:35
11	internet to use a USB drive. But in a lot of	17:26:41
12	scenarios, a USB is a must. So, for example, when	17:26:49
13	we are communicating with a customer at the design	17:26:57
14	house, that usually involved a very large amount	17:27:01
15	of data. Or sometimes when we take a picture on	17:27:07
16	the camera and we need to send the photos on the	17:27:18
17	company system, or sometimes when we communicate	17:27:27
18	with a vendor regarding the devices or machines	17:27:34
19	used, trying to figure out the process development	17:27:37
20	or process-related issues, then we need a USB. Or	17:27:42
21	sometimes when a vendor needs to talk to you about	17:27:59
22	the capabilities of their machines, then they need	17:28:02
23	to send you information.	17:28:06
24	So the company cannot 100 percent	17:28:12
25	prohibit the use of a USB drive. When there is	17:28:16

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Transcript of JT Ho
Conducted on July 12, 2018

151

1 a need to use a USB drive, you can apply. And 17:28:21
2 then once you apply and your supervisor approves, 17:28:29
3 then you get to have this privilege to use the 17:28:33
4 USB. 17:28:41

5 Just like the first few weeks when 17:28:49
6 I first joined the company, I was the technical 17:28:51
7 manager in the high-level office. So in the 17:28:56
8 beginning, I believed that there was such a need 17:29:07
9 for me to use a USB drive, so I asked a secretary 17:29:10
10 to apply for me. I would like to be able to 17:29:15
11 freely use some of my personal things, just like 17:29:24
12 I did in Micron. So I applied. Probably it was 17:29:28
13 because I was working in the high-level office. 17:29:41
14 That is why there was not too much review 17:29:45
15 involved. And then I got the approval. 17:29:48

16 Q. Mr. Ho, did engineers at UMC use 17:29:52
17 Mr. Lee's computer to access and review Micron 17:29:55
18 documents that were stored on external drives? 17:30:01

19 A. I don't know about the others, but 17:30:21
20 I suppose Kenny did. Because the prosecutor found 17:30:24
21 that Kenny also had Micron's information. And 17:30:31
22 same for me. I also read the information. 17:30:39

23 Q. Why did Mr. Stephen Chen take Mr. Fu Che 17:30:44
24 Lee's computer? 17:30:49

25 MR. JOHNSON: Objection. It calls for 17:30:57

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USD-0351812

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Transcript of JT Ho

Conducted on July 12, 2018

152

1	speculation.	17:30:59
2	A. I don't know.	17:31:00
3	BY MR. MICHAEL:	17:31:06
4	Q. Do you know what the file was that	17:31:07
5	Mr. Kenny Wang wanted to look at on Mr. Lee's and	17:31:09
6	your computers?	17:31:13
7	A. I do not know. We did not look at each	17:31:21
8	other's information.	17:31:32
9	Q. Do you know if Mr. Fu Che Lee's computer	17:31:40
10	that is referenced in this text exchange on June	17:31:44
11	30th, 2016, still exists at UMC today?	17:31:47
12	A. I do not know.	17:32:05
13	Q. Has anybody at UMC asked you to --	17:32:08
14	A. I asked them, because back then the	17:32:15
15	prosecutor came to get me and I was there being	17:32:26
16	asked questions for two nights at the	17:32:31
17	investigation bureau. Since my computer was	17:32:36
18	confiscated, so I asked him, "What about your	17:32:47
19	computer?" And then he told me it was gone,	17:32:51
20	disappeared.	17:32:54
21	Q. Mr. Lee's computer disappeared?	17:32:57
22	A. That was not his computer, but it was the	17:33:05
23	computer that he said it was disappeared. It was	17:33:08
24	a public, shared computer.	17:33:11
25	Q. Do you know if that computer was	17:33:13

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Transcript of JT Ho

Conducted on July 12, 2018

153

1	destroyed?	17:33:15
2	A. I do not know.	17:33:21
3	Q. Was is hidden from the prosecutors?	17:33:23
4	MR. JOHNSON: Objection. Calls for	17:33:28
5	speculation.	17:33:30
6	A. I guess they were also afraid to be	17:33:38
7	caught, so I don't know. I don't know what they	17:33:41
8	did to the computer.	17:33:44
9	BY MR. MICHAEL:	17:33:46
10	Q. When you say "they", who are you	17:33:47
11	referring to? What individuals?	17:33:49
12	A. (Chinese spoken).	17:33:56
13	MR. JOHNSON: Objection.	17:33:57
14	Don't guess, don't speculate. Tell us	17:33:59
15	what you know.	17:34:01
16	A. I do not know. No-one told me.	17:34:07
17	MR. CHEN: Sorry, (Chinese spoken).	17:34:14
18	THE MAIN INTERPRETER: So before	17:34:31
19	Mr. Johnson's objection, the witness said, "It	17:34:33
20	might have been Fu Che or someone who used the	17:34:35
21	computer."	17:34:40
22	MR. JOHNSON: Do you agree with that?	17:34:42
23	THE CHECK INTERPRETER: Yes.	17:34:43
24	BY MR. MICHAEL:	17:34:47
25	Q. Who is Fu Che?	17:34:48

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Transcript of JT Ho

Conducted on July 12, 2018

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1	A. Neil Lee.	17:34:55
2	Q. Do you have any basis to believe that	17:34:56
3	Mr. Rong, Rong Le Tien, was involved in hiding	17:34:58
4	computers from the prosecutors?	17:35:04
5	A. My understanding is that he probably	17:35:27
6	didn't know the existence of this computer.	17:35:29
7	Q. And to your knowledge, Mr. Ho, this	17:35:34
8	computer that is referenced in the Line text	17:35:37
9	exchange has never been turned over to the Taiwan	17:35:43
10	prosecutors; correct?	17:35:47
11	MR. JOHNSON: Objection. Calls for	17:35:57
12	speculation.	17:35:58
13	Only if you know.	17:36:00
14	A. I do not know, and there supposedly was	17:36:10
15	no way for the prosecutor to get this computer.	17:36:16
16	Because the prosecutor has no knowledge about the	17:36:21
17	existence of this computer.	17:36:25
18	BY MR. MICHAEL:	17:36:28
19	Q. Has this computer been turned over to	17:36:29
20	your counsel, the Dan Johnson Law Group, in this	17:36:31
21	case?	17:36:36
22	A. No.	17:36:39
23	Q. Why not?	17:36:41
24	A. It could not be found. I do not know.	17:36:48
25	MR. MICHAEL: Let's take 30 seconds.	17:36:58

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1	THE VIDEOGRAPHER: We are going off the	17:37:03
2	record. The time is 5:37 p.m.	17:37:04
3	(Break taken)	17:37:09
4	THE VIDEOGRAPHER: We are back on the	17:38:15
5	record. The time is 5:38 p.m.	17:38:16
6	MR. MICHAEL: Mr. Ho, thank you for your	17:38:22
7	time today. There are a number of outstanding	17:38:24
8	items in connection with today's deposition, the	17:38:26
9	least of which includes the latest bit of	17:38:31
10	testimony relating to the existence of a computer	17:38:34
11	that appears to have been used in connection with	17:38:38
12	reviewing it, if it does not in fact include	17:38:41
13	Micron documents which would be directly	17:38:47
14	responsive to the topics of today's deposition, so	17:38:48
15	we're going to reserve our right to maintain the	17:38:51
16	deposition as being open, but I have no further	17:38:54
17	questions for today.	17:38:56
18	And we have designated the transcript	17:38:57
19	attorneys' eyes only, highly confidential,	17:39:00
20	attorneys' eyes only, per the protective order,	17:39:04
21	and with that, I'm finished for today.	17:39:06
22	MR. JOHNSON: I've got two follow-up	17:40:19
23	questions.	17:40:20
24	EXAMINATION BY MR. JOHNSON:	17:40:21
25	Q. Did you conduct an investigation to try	17:40:23

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Conducted on July 12, 2018

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1 to locate this missing computer? 17:40:25

2 A. I talked to people who used this 17:40:49

3 computer, and what Fu Che Lee told me was that one 17:40:52

4 week before the prosecutor came to the company, 17:40:58

5 this computer was borrowed by another person. 17:41:01

6 (Chinese spoken). 17:41:07

7 Q. I asked you if you conducted 17:41:07

8 an investigation. 17:41:10

9 A. (In English) Yes. 17:41:11

10 A. And he has not used the computer for 17:41:12

11 quite a while. 17:41:14

12 A. (In English) Yes. 17:41:15

13 Q. Okay. Did you locate the computer? Did 17:41:16

14 you or anyone at UMC locate that computer? 17:41:19

15 A. No. 17:41:30

16 Q. All right. Did you ask about the 17:41:31

17 computer at any time after the government visited 17:41:36

18 UMC's facility? 17:41:47

19 THE CHECK INTERPRETER: "(Chinese 17:41:57

20 spoken)". 17:41:57

21 A. Yes. 17:41:59

22 BY MR. JOHNSON: 17:42:01

23 Q. I believe you testified that somebody 17:42:02

24 borrowed the computer at some point. 17:42:05

25 A. Yes. Fu Che Lee said that the computer 17:42:16

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1	had been borrowed by someone for quite a while.	17:42:20
2	Q. And do you know who that someone was?	17:42:23
3	A. I do not know.	17:42:29
4	Q. And the computer has never re-surfaced?	17:42:31
5	Or has the computer ever re-surfaced at UMC?	17:42:35
6	MR. MICHAEL: Objection. Calls for	17:42:40
7	speculation.	17:42:41
8	A. No, not after the prosecutor visited the	17:42:54
9	company. After the prosecutor came to the	17:42:57
10	company, I asked around. The computer has never	17:43:00
11	shown.	17:43:05
12	MR. JOHNSON: Nothing further.	17:43:06
13	MR. MICHAEL: I think we're done.	17:43:10
14	THE VIDEOGRAPHER: We are going off the	17:43:12
15	record. The time is 5:43 p.m.	17:43:13
16	(Off the record at 5:43 p.m.)	17:43:18

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CERTIFICATE OF SHORTHAND REPORTER

I, JADE K. KING, Accredited Shorthand Reporter, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; that reading and signing was not requested; and that I am neither counsel for or related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July 2018.



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